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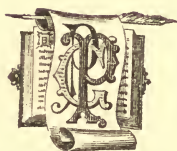


POLITICAL AND OFFICIAL PAPERS.



POLITICAL  
AND  
OFFICIAL PAPERS.

BY  
JOHN P. KENNEDY.



NEW YORK:  
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# POLITICAL PAPERS.

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## A REVIEW

OF MR. CAMBRELENG'S REPORT FROM THE COMMITTEE OF COMMERCE, IN THE HOUSE OF REPRESENTATIVES, AT THE FIRST SESSION OF THE TWENTY-FIRST CONGRESS.

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I follow thee, like a trusty servitor, but to entice thee from thy nimble and crafty wanderings, into a surer path of truth. The time lacks an honest devil. Thou canst not say I flatter.—*Old Play*.

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THE Report from the Committee on Commerce, in the House of Representatives, at the present session, is the last in a series of assaults which have been made upon the protective system of this country, and being prepared with great care and industry, and adopted by certain interests in the Union, with an exulting acclamation, it may fairly claim to be considered the manifesto of, what is called, the free-trade party. The city of New York has been thrown into convulsions of joy by this masterly and concentrated blow at the American system :—it is the *coup de grace* given by young David to the Philistine, and the host are ready to sing the *Non Nobis*, on the occasion of the victory.

To us, who are at a distance from this fervor, who have nothing to fear from the contagion of opinion, and nothing of interest to inflame us on the question, it is left to make up our minds merely upon the merits, which, it will be admitted upon

a perusal of the report, are but a feeble auxiliary to the cause of the good people of Gotham, compared with the *ardor prava civium jubentium*,—the authoritativeness of the Exchange, and the wisdom of Wall Street. Indeed, from all that we can learn upon the subject, the author of the Report has already discredited the Scriptures, and gained more honor as a prophet in his own country than he is likely to acquire out of it.

Mr. Cambreleng professes to be a disciple of the school of Mr. Huskisson. He adopts his tone, borrows his thoughts, reasons on his premises, believes his facts, and concludes with his advice. Whatever Mr. Huskisson conceives to be salutary in English policy, Mr. Cambreleng conceives, in the same terms, to be wholesome in American. The Report is calculated to answer the purposes of the British Ministry, in many respects, better than Mr. Huskisson's speeches. In all the outward and visible signs of statesmanship the two politicians are as much alike as Dromio of Syracuse and Dromio of Ephesus :—but in the particular of principle and postulate, of abstract opinion and relative policy, there are scarcely to be found two individuals, separated by the sea, of more incongruous elements. Mr. Huskisson, with the address of a wily minister, has given a false lead, which Mr. Cambreleng follows, in no wise doubting ; and, from the state of the game, it is quite apparent that the American has walked into the trap which the Englishman has set for him.

To explain this, it is necessary to say something of this much talked of doctrine of *Free Trade*, a doctrine which we have always found ourselves much puzzled to define. We understand it only, as a beautiful abstraction ; a systematic resolving of things into a state of nature ; an equalization of human appetites, passions and interests ; an interminable confraternity, existing in unimaginable harmony, and moving to the music of the spheres : an anticipated millennium of peace on earth, and good will to men : the polity of More's Utopia and Rabelais' Medamothy. Mr. Huskisson and the Edinburg Review have obscurely hinted that this wonder has, at length,

made a lodgement in Great Britain. And Mr. Cambreleng believes them !\*

In Great Britain, then, it becomes a tangible thing, and we may hope to form a more intelligible opinion of its nature and attributes, by a reference to the British system. Free trade, in this view of it, may be said to be comprehended in the following leading maxims.

1. To exclude from the home market all competition in such commodities as they can produce or manufacture.

2. To feed their own people, entirely with their own products, though at double the cost that they could be fed by foreigners.

3. To take nothing from abroad but what they cannot do without.

4. To nurse their manufactures, first, for the sake of the home market, and secondly, for the sake of commerce.

5. To secure, by the most rigid laws, the transportation of their own products in their own vessels, and to use every stratagem to get the carriage of the products of other nations.

We may add as a sixth maxim,

To use all kinds of means to persuade the world to adopt exactly the opposite policy ; and especially to humbug American wiseacres with dissertations upon free trade.

It would not occur to the people of the United States, after reading Mr. Cambreleng's report, that such are the fundamental articles of the British faith ; and as it is necessary to have this matter understood, in order that our learned chairman's encomiums may be properly valued, we shall take a little time to prove what we have said.

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\* "Great Britain has granted commercial liberty to her vast empire at home and abroad, and has taken a new start in the race of nations." Report, p. 21. "Her naval ascendancy gives her *all the advantages* of free trade, by her dominion over the commerce of the world : *in peace she secures all its privileges by abolishing restrictions and opening as far as she can, by her own laws, every avenue of trade.*" *Ib.*, p. 26.

Mr. Huskisson's speeches afford us a full exposition of all his doctrines of free trade, and will enable us, therefore, to determine how far we have departed in our policy, from his great improvements in legislation. His speech of March 25, 1825, explains his plan of reducing the duties. Here he states in very plain language, his object to be, to recommend alterations in the duties "levied upon the importation of materials employed in some of our principal manufactures, and also in the *prohibitory* duties, now imposed upon the manufactured productions of other countries, so far as they shall be found not inconsistent with the protection of our own industry."\*

Beginning with the cotton manufactures, Mr. H. sets out with the broad declaration—which we deem important to be considered—"that by the cheapness and quality of our goods, we undersell our competitors in all the markets of the world." With this enunciation, he thinks that the duties of  $67\frac{1}{2}$  and 75 per cent. by which this manufacture had been fostered, might now, with safety to the manufacturer, be reduced as low as 10 per cent. He affirms that under this protection of 75 per cent. this branch of industry had risen to maturity†—that their ex-

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\* In our remarks upon Mr. Huskisson's alleged free-trade system, we confine ourselves to the *design and scope* of his measure; his professed object being to propose a system efficient to every purpose of protection.—We are aware of the mischiefs produced by some of the details of his plan, and especially in regard to the silk trade, which has been so much boasted as a victory of the free-trade principle; although that trade experiences at his hand a degree of encouragement that we should consider ample to most of our manufactures.—It has, however, produced its unlooked-for distresses, as the late sufferings at Spitalfields and Coventry will testify. But for the present, we deal with Mr. H.'s principles, not his acts.

† It may be a little edifying to our statesmen to learn from Mr. Huskisson his opinion of this 75 per cent. It may teach us how to estimate the notions of the trans-Atlantic champions of Free Trade. Speaking of the woollen manufacture, he says, "this favorite child, like other favorites, has suffered rather than profited by being spoiled and petted in rearing, while its *younger brother* of cotton, coming into the world much later, has thriven better by *being much more left*

ports of cotton had increased in sixty years from £200,000 to £30,795,000 ; and that it was no longer necessary to subject it to any other restriction than 10 per cent.—that amount being equivalent to the duties levied upon the raw materials employed in the fabric. But this 10 per cent. is to be added to the amount of any internal duty on printed cottons, and no drawback to be allowed.

In the woollen manufacture, the duties varied from 50 to 67½ per cent. These he thought, for the same reasons that operated upon his mind in reference to the cotton, might be reduced to 15 per cent.

In the manufacture of linens, Mr. Huskisson's plan embraces a reduction to 25 per cent. over and above the amount of any internal duty of excise.

The reduction generally proposed in the duties upon manufactured metals, is to 30 per cent., upon glass to 20 per cent. above the excise, except in the case of bottles, which are subject by Mr. H. to a duty of about 85 per cent. The common porcelain ware he proposes to reduce from 75 per cent. to 15 ; the painted or gilt to 30.

Such is Mr. Huskisson's scheme in regard to the principal manufactures of Great Britain, and this is trumpeted abroad as a concession to the principles of free trade ! In reference to the great mass of these manufacturers, he distinctly avows his conviction, that they are already secured from all foreign competition, and that there is not the remotest possibility of their home market being interfered with. Indeed, the extreme so-

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*to rough it and make its own way in life."* Truly, a most ill-favored bantling ! Only 75 per cent. protection ! Alas for our own progeny !

Mr. H.'s allusion to the pampering of the woollen manufacture will be intelligible, by referring to the various forms in which British legislation has been extended to its protection, but more particularly to the act imposing an additional duty on imported wool, by which, it is said, the manufacture received a shock that has nearly proved fatal to it. Let our Southern friends learn, that their cotton is amply assured to them by this experiment.



licitude with which Mr. H. treats the protection of the British manufacture, ought forever to preclude those who pretend to advocate his principles, from bringing his reduction of duties into our view at all. It is most apparent that his object is the very reverse of Mr. Cambreleng's. If his purpose were *free trade*, why have we these discriminations, ten per cent. upon cotton, fifteen upon wool, and twenty-five upon linen? And why this constant avowal that he has ascertained that these rates are sufficient to secure to Great Britain the supply of her own market? His scheme is not to buy where goods are cheapest, but to excite the greatest competition compatible with the preservation of their home and their foreign markets, and to foster the manufacturing interest by a system of legislation that shall encourage it to its most profitable expansion. As to the operation of this new tariff upon those manufactures which make the wealth and prosperity of England, it is as harmless as a permission extended to all the world to carry coals, free of duty, to the port of Newcastle. Mr. Cambreleng would, perhaps, consider this another concession! But until Mr. Huskisson shall proclaim that a rising and prosperous manufacture shall be sacrificed to the freedom of commerce, and that the temporary inconveniences which the country might sustain in rearing up a new system, that is to be a source of wealth and power to all after ages, are to outweigh the great reversionary benefits of the scheme, we cannot admit that any aid has been supplied to that destructive theory, which has captivated its professors by the name of free trade.

Upon the score of injury sustained by the manufactures in the heavy duties annexed to the introduction of the raw materials, Mr. H. adopts a principle that in its whole scope and bearing is essentially protective. The reductions proposed by him, on this branch of imports, are at least judicious in their purpose, and may be salutary in the detail—we are not disposed to question them—but in no instance are any reductions recommended without inculcating, in the most explicit manner, that cardinal point in his policy—the immense value of the

home supply and the consequent importance of fostering the domestic manufactures, and giving them the ascendancy abroad. Such notions are distinctly enforced in the following remarks upon the introduction of crude copper. "These prohibitory duties have already, in my judgment, been attended with serious injury ; they have prevented copper not only in an unmanufactured, but in an imperfectly smelted state, from coming into this country. This metal exists in great abundance not only in several parts of Europe, but also in some of the new States of America. It would have been sent here as it used to be, in an imperfect state, in payment for British manufactures. Here it would have undergone the process of purifying, of rolling, or of being otherwise prepared for consumption, by the means of our superior machinery, had it not been kept away by impolitic restrictions. They operated as a bounty upon the transfer of our capital to other countries, and as a premium to encourage the inhabitants of those countries to do for themselves that which, greatly to our advantage, we should otherwise have continued to do for them. At the same time, I am aware that considerable capitals have been invested in our copper mines under the encouragement given by the present monopoly, and how difficult it is to do all that the public interest would require without injury to those particular interests. This, in almost every instance, is the most arduous task which a sense of public duty has imposed upon me. In the present case, however, I believe that I may safely, and I hope with advantage to both parties, propose to reduce the duty on copper from £54 to £27 a ton, without committing myself not to recommend at a future period, even a further reduction, if it should appear that the present limit is not sufficient to *enable our manufacturers to preserve their foreign market*, and that at a lower rate of duty no great or sudden check would be given to the British mines."\*

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\* So, too, in regard to Iron Mr. Huskisson, stating the inadequacy of the home supply, and commenting upon the injurious effects of the duty on the unmanufactured commodity, asks, "*Is there no risk or danger*

The same protective principle is conspicuous in his policy towards the silk trade. The duties on the raw material were from 4s. to 5s. 7½d. a pound on raw silk—and 14s. 8d. per lb. on organzine or thrown silk :—the consequence was, as stated by Mr. H., that the French manufacturers who had their silk either altogether free (being a home product) or subject to about 4½d. per lb. on what they imported, were enabled to produce the manufactured article cheaper, by this amount of duty.\* He proposes, therefore, a reduction on raw silk to 3d. per lb., and on the organzine to 7s. 6d. The consideration which governed the reduction on the organzine is in keeping with the rest of his system ; it was confessedly, to protect the interests of the throwsters who, it was affirmed, would have been injured by a further reduction. To this was added also a removal of the prohibition upon manufactured silks, and a duty ranging from 33 to 70 per cent. ad valorem substituted for their protection. The duties were reduced also, upon the dye-stuffs used in this manufacture, and throughout the whole course of legislation upon the question, every idea of what we understand by free trade was repudiated—the express and earnestly inculcated object being the encouragement and protection of the manufacture.

It would be charging an immeasurable absurdity upon the British Government, if we could suppose that in the event of the home manufacture, by this experiment, being unable to contend against the foreign, they would not increase their duties to a standard adequate to that end. It would be at war with every intelligible idea that they have heretofore pro-

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*to our hardware manufacturers at Birmingham and Sheffield? Can they execute orders which they receive from abroad if iron continues at its present price or is to rise still higher? how many thousand workmen will be thrown out of employ if this branch of trade be lost to this country?"*

\* "These duties added about 25, 30, and 40 per cent. on the prime cost of the different species of silk on which they were respectively imposed.—*Ed. Review*, Nov. 1825.



mulgated upon the subject. *Great Britain has never been known to abandon a valuable manufacture because it required protection.*

But, it may be asked, if Mr. Huskisson's moderated duties are still equivalent to prohibitions, in the large portion of the manufactures referred to, why are the duties reduced at all?—We answer, that a lower rate of prohibition operates as a stimulus to industry better than a higher one, because it lowers the mark to which the tide of foreign competition and skill must rise in order to flow in upon the home market, and therefore keeps the industry of the country always upon the watch to excel its neighbors ;—it is a safeguard against inattention and carelessness, while at the same time it is full and perfect protection. There is another reason. Mr. Huskisson considers that in the present vigor of British manufactures, a duty of thirty, fifty, or seventy per cent. generally adequate to every purpose of protection, and yet sufficiently low to prevent smuggling in the few articles of foreign manufacture which fashion or caprice have brought into request ; articles inconsiderable in quantity and sought for only by the richest classes of the Kingdom. As he has himself expressed it, “some fancy muslins from India, some silk stuffs, some porcelain from France, —objects for which curiosity or fashion may create a demand in the metropolis:” and which, as he assures us, “will not interfere with those articles of more wide and universal consumption which our own manufactures supply cheaper and better.” These are regarded as concessions of trifling amount to the opulent. Their bulk, too, is small, and the facilities of introducing them very great, while the trouble of searching for them, the vexation of being searched, and the expense of the surveillance which is necessary to detect them, are not compensated by the value of the discovery:—the game is not worth the candle. The government has therefore consented to their introduction at high rates, while it is certain that the quality excluded is by far the greatest in quantity and the most worthy of protection.

As to the other articles upon which the reduced duties take effect, it is not pretended that any nation has an interest to make the effort to introduce them : their age and their prosperity place them beyond assault. Whether cottons are rated at ten or ten hundred per cent. the prohibition is just the same. "It is not as deep as a well, nor as wide as a church door—but it is enough :—it will serve."

Mr. Huskisson gives us another reason for this apparently nugatory measure, which indicates a deeper knowledge of the materials he has to work upon abroad, than we should at first have attributed to him—a reason that seems to have been well sown when it fell upon Mr. Cambreleng. "It is time," says Mr. H., "to consider if there be no inconvenience, no unfitness, no positive injury to ourselves, *no suspicion and odium excited in foreign countries*, by duties which are absolutely prohibitory—or, if the articles to which they attach, admit of being smuggled—which have no other effect than to throw the business of importing them into the hands of the smuggler." He might have added, what, by the way, is pretty plainly insinuated—that the reduction might *look* like homage to the free-trade illusion, and have power to persuade wise American statesmen of the *sincerity* of Great Britain in support of a system about which she has been perpetually talking, and concerning which she has universally agreed to make no substantial sacrifice : it might induce unlearned and dull rivals to go and do likewise, in circumstances where the imitation of the example would be something more than substituting one dead letter for another.

With what success this argument may be urged, let the Chairman of the Committee of Commerce and the exulting citizens of Gotham answer ! The British *shadow* becomes, in the hands of Mr. Cambreleng, a thing of life ; and what on one side of the water is but a "gentle sucking dove," roars, on the other, like the true lion, and is instinct with an active principle of mischief.

It is only necessary to read Mr. Huskisson's speech on the

subject of the colonial policy (March 21, 1825), to make out the rest of the points which we have brought into our definition of the English notions of free trade. This speech breathes the same desire to protect the interest of Great Britain and her colonies against all foreign competition, and his remarks are characterized by the same ardent resolve to support the *protective* system. His object is to assist the northern colonies against the influence of the rivalry of the United States, but in no respect whatever, does he admit the idea that trade was to be regulated by the principle of unrestricted reciprocity. In one particular his words are remarkable, as the subject has brought him to consider a question, which we have a thousand times asked the friends of British free trade to solve for us,—namely: Why are not the markets of England opened to our grain? We quote from the speech:

“The measure which I have to propose in respect to Canada appears to me to be no more than an act of common justice to that colony. It is simply this—to admit, at all times, the corn of that country into our consumption, upon the payment of a fixed and *moderate* duty. When it is considered that corn is a staple of that colony, I cannot conceive of a greater act of injustice, than to have declared, to a part of our own empire, as much entitled to protection as any other part of it, that against that staple the markets of this country were closed. How are the Canadians to pay for the supplies which they have drawn from this country? Is it fitting that when they make their remittances in this staple, they should do so without being able to know whether it can be received here?—Whether it is to remain in warehouse, unavailable and unproductive, and at a ruinous expense for five or six years, depending, for its admission into our market, upon the fraction of a half-penny, according to the average price in our markets for a few preceding weeks; that average influenced by the conflicting tricks and artifices of the home grower and home dealer; the result of which cannot be known in Canada for many months afterwards?” Might we not ask the champion of

British free trade, why does not Mr. Huskisson's interrogatory apply to this country? Are there not the same considerations operating upon us? We may ask Mr. Cambreleng to give us the answer why, in his brotherhood of nations,—his reciprocal interchange of liberal systems,—and his magical circle of free trade,—these points are not as freely to be urged in our favor, as in that of Canada? Will he assure us that the removal of these restrictions fall in with Mr. Huskisson's plan? The British statesman has not even winked at such a thought. His policy seems to us an unadulterated example of the good old rule,

That he shall take who has the power,  
And he shall keep who can.

It was even proposed as an objection to Mr. Huskisson's system in favor of Canada, that a removal of the restrictions upon this branch of the trade of the colony, might, perchance, let in some of the forbidden American product by our northern frontier. What was his reply? It is a decisive comment on all the refined speculations of Mr. Cambreleng and the whole host of British authorities from which he has taken his opinions. It expounds the whole debated question of British free trade. "He should be quite willing to adopt any method necessary to prevent the fraudulent mixing of the United States' corn with the corn of Canada"—"that with a view of removing all cause of alarm and giving an adequate security against the fraudulent introduction of Canada (American) wheat, he should propose as a clause, by way of rider, that there should be the same certificate of origin as in the case of sugar." He was willing to rate the production of Canada at a certain amount, and consider all beyond that amount as American.

In accordance with his views of the colonial policy, Mr. H. proposed to admit flour from the Canadas at about five shillings the quarter; timber at from five to twelve per cent. and tobacco at twenty. The duty on the first of these commodities coming from the United States, is left almost at total

exclusion ; and, upon the remaining two, at a rate ranging between five hundred and fifteen hundred per cent !

Now we do not mean to condemn the policy of Great Britain's opening an unrestricted intercourse *with her own dominions*—(although we think Mr. Cambreleng has but a poor case of free trade among the countless restrictions of the British colonial possessions\*),—its natural tendency would be what Mr. C. has stated it—an increase of the navigation of the colonies ; but we cannot perceive what aid this furnishes to the propagation of the free-trade system. We have always understood this mystical blessing to look to the intercourse of one nation with another. For free as Mr. Cambreleng pretends Great Britain has made the trade with her colonies, it is nothing compared with the entire disenthralment of that between our own maritime States—which trade, by the by, Mr. Cambreleng has very seriously undertaken to prove has been languishing in this pure atmosphere of freedom : of this, however, hereafter. But until Mr. Huskisson, or some other English minister shall consent to remove the impediments that embarrass our intercourse with that nation, we have at least a right to claim the benefit of the example in practice, and of the fact in the argument.

Such are the lights which British doctrines and British practice afford us in our inquiry after the nature and attributes of free trade. Truly, the thing, when found, looks marvellously

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\* They protect the tea of the East Indies by a restriction that costs the people of Great Britain something upwards of two millions sterling per annum. In turn, they levy a duty upon the sugar of these possessions to protect the markets of the West Indies ; while, again, these latter are excluded from all the benefits of an enlarged commerce, in order to favor the Canadas, which of late, have been blessed with the gift of a *free trade*. In sooth, she is a most discriminating mother ! And Mr. Cambreleng thinks this last measure of grace has been conceded to the principles of Adam Smith ! So far as it is the means of stabbing at the prosperity of the United States, it is the measure of the ministry. What of it belongs to the free-trade doctrine, is an idle coincidence.



like our *protections* : and we wonder that the free-trade gentlemen of America, who profess to follow Mr. Huskisson, should abandon their leader at the most striking point in his philosophy ; that which, of all others, seems to be the tenderest object of his solicitude, *the prosperity of the manufactures*. Mr. Huskisson is a competent and authentic witness on the subject, and, we are free to say, that we are willing to stand by the award of his testimony. We believe that a better illustration of that gentleman's doctrines could not be afforded, than in the policy inculcated by the manufacturing interests of the United States.

In this exposition of the British system, it will be seen how minute is the resemblance between the measures of Mr. Huskisson and Mr. Cambreleng ; and how true is the assertion of the honorable chairman, that we have been adopting the prohibitory policy just at the time that our rival is "substituting free trade for restrictions." We cannot but admire the fidelity with which the likeness is preserved between these giants of free trade on either side of the Atlantic. Mr. Huskisson takes away a nugatory prohibition : Mr. Cambreleng follows suit and is for taking off a necessary protection. Mr. Huskisson thinks that free trade consists in carrying *British* manufactures all over the world : Mr. Cambreleng thinks so too. Mr. Huskisson talks about opening their ports to the colonies : Mr. Cambreleng talks of opening ours to all nations. Mr. Huskisson would take off the duty from the raw material *in order to protect manufactures* : Mr. Cambreleng would do the same thing, *to encourage commerce*. Mr. Huskisson expatiates upon free trade, at the very instant that he is riveting the fetters upon it : Mr. Cambreleng is tickled with the sound and expatiates likewise. Mr. Huskisson throws away a counter : Mr. Cambreleng a guinea. Mr. Huskisson falls to contriving snares for credulous rivals ; Mr. Cambreleng falls—asleep. The resemblance is complete. They are as much alike as Monmouth and Macdon !

We rather think that Mr. Cambreleng must renounce his

pretensions to be considered a pupil of Mr. Huskisson, or he will be obliged to confess that his beau-ideal of free trade is not to be gathered from the statute books of England.

Then, we would ask, where shall we seek it? A great deal has been said of late about this same system, but is it not strange that with Adam Smith as current as the Almanac, and Mr. McCulloh and the Ricardo chair, the Edinburg Review, Mr. Cambreleng and the City of Gotham "airing their vocabularies" upon it in all the multiplications of arithmetic, and saying it and singing it through all its moods and tenses, addressed to all languages, people and nations, not one instance is to be found of any one civilized community adopting and pursuing it as a permanent policy? If it has ever been touched it has been, forthwith, dropped again as something too hot to hold. We would seriously ask our friends, who are tilting so manfully in this field, where we shall look for some exemplification of their theory? We are difficult of persuasion and unwilling to trust to speculation in matters of so much moment, and we feel particularly distrustful, with the example of Great Britain before our eyes, and our knowledge of her history. We confess that we would rather be dragged along, than merely have the way pointed out for us. The land of Adam Smith, of deep philosophy, of profound inquiry, and of enlightenment that can take in no more light, would surely, before this, have shown us some hot-bed of this new plant. We have seen her manufactures grow up to be the marvel of mankind, and we do not choose to depart from the science of her machinery. We are not to be cheated by her rhetoric out of our respect for her example. Mr. Huskisson may talk as he will about a prohibition reduced to a prohibition lower in the table; he may attempt to mislead us by disproportioned commentaries upon insignificant acts, or magnify the correction of a plain abuse into an argument against the use. We cannot be deceived. The thermometers of Reaumer and Fahrenheit may indicate the same temperature, although the numbers on the scale are not the same, and we have skill enough

to compute the difference, even if Mr. Cambreleng overlook it. The friends of free trade will scarcely turn us to the example of Holland in 1816, nor to Russia in 1820.\* If they do, they will be called upon to explain the mystery of the return of the latter of those powers, after that brief space of trial,—“ere those shoes were old”—to the antiquated and condemned systems by which she previously marched on to wealth. They will have to explain the deep and pathetic complaints which resounded through both of bankruptcies, beggary and ruin, that marked the days of the experiment; and when the free-trade advocates have given us *their* solution, we shall ask them to give us, besides, the Dutchman and the Russian's own avouch for their account of the matter; we shall ask this, because we are not willing to take another speculation to make out a matter of fact. We have had experience enough of the adroitness of our philosophers in conjuring up theories at home.

In despair, therefore, of being enlightened in these profound secrets of free trade, we shall e'en turn, after all our peregrinations abroad, to our friend Mr. Cambreleng, and endeavor to make out, as well as we can, what is the veritable and spe-

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\* Mr. C., however, does refer to Russia with a sweeping reproof of her present prohibitory system. In page 21 of the Report, he tells us that under the present system, “her resources must be comparatively stationary and her navigation depressed. Her naval power can never be formidable under such a system.” We beg leave to refer the learned chairman to Count Nesselrode's exposition of the misfortunes experienced by that Government during her short experience of the free-trade system—from 1820 to 1822 (the date of the minister's circular). We would also ask him if he includes this power among *our rivals*, when he expresses his alarm that we had been “already driven too far *in the rear of all our rivals*, for naval power and naval ascendancy?”—If our policy has brought us even below the rivalry of Russia, we have a right to ask the chairman farther, whether he considers our restrictive system as more severe than hers?—She has upwards of fifty *classes* of articles *prohibited* in her tariff:—we have not one. If not, how comes this about? “Your reason, Jack!”



cific idea to be attached to the term. Perhaps his own lucubrations will throw some light upon the matter. If we fail in getting satisfaction from this quarter—then Heaven help us! We renounce the enterprise as a bad job, and shall cease thenceforward to regard it as a matter of reason, or a matter of fact, but a plain matter of breviary, to be believed *fe del carbonari*.

It seems, from the report, that this great desideratum in national blessings was enjoyed to the fullest extent, from the adoption of our constitution until the year 1807. Until that year navigation was “the favorite object in all our early legislation,” and the prosperity of the United States is commented on, by the honorable chairman, with a fond and affectionate interest. This, then, was the era of free trade, and these the golden days of *non-restriction*.\* It might astonish an unlearned reader to be told that during this very period (from 1790), so pointed and severe were the restrictions imposed upon all foreign tonnage, by our government, and so rigorous the protective system, adopted as a fundamental article of our policy, that the clamor of Great Britain against the *illiberality* of the measure, almost amounted to declarations of direct hostility. A tonnage duty of fifty cents per ton, and an additional duty of ten per cent. on the merchandise imported, were exacted from all foreign vessels entering our ports. It was considered as a contumacious defiance of Adam Smith, and the most flagrant violation of the sacred principles of that free trade which Mr. Cambreleng holds in such veneration.† The effect of this

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\* We are anxious to let Mr. C. speak for himself. “The unparalleled growth of our navigation anterior to 1807 is the best evidence of the influence of free trade and moderate duties on national prosperity: its present stationary or declining condition the saddest commentary on the policy of restrictions.”—Report, p. 20.

The wise Dr. Cooper says in his tract upon the alteration of the Tariff in 1823, “For thirty years past we have steadily pursued the prohibitory system.” Doctors differ.

† The present anxiety manifested by all parties in Great Britain to persuade us against the policy of our protective measures, exhibits

policy was to produce the splendid results described by the report. It gave that impulse to our navigation which instantly elevated it from its cradle into a vigorous manhood, and sustained it through a glorious career of successful adventure that, perhaps, was never equalled in the history of any other State. These restrictions were continued until the convention of London in 1815, having become the subject of endless strife with the Government of Great Britain, and been principally instrumental in producing the war of 1812. By this Convention they were surrendered, and from that period, so far as regards Great Britain and the United States, the navigation of the two countries was placed upon that reciprocal footing of equal privileges, that, to the extent of the intercourse contemplated by this measure, was a full and perfect realization of the most undisputed principles of free trade. Mr. Cambreleng has shown, that up to this period (throwing the season of war and its accompaniments out of the question) our navigation regularly increased, while that of the British as regularly declined,\* thus confining the prosperity of our shipping to these

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a state of feeling precisely similar to that displayed in 1791 upon occasion of the adoption of our navigation laws. Glasgow was in an uproar, and the most melancholy forebodings were indulged as to the injury this system was likely to work upon the shipping interests of Great Britain. As usual, the free-trade philosophers condemned the measure as one of harsh import and pernicious tendency. It was reserved for Mr. Cambreleng to discover, that this protection of our navigation by discriminating duties, was one of the developments of the free-trade principles.

\* "Previous to these political restrictions—from 1789 to 1807—our country presented a spectacle of prosperity which had never been surpassed by any nation in any age. We had not then learned to intermeddle with private employments. We had no heavy taxes to encourage smuggling, diminish consumption, and repress industry; we had no stimulants but profit and enterprise—no guides but intelligence and judgment. We had, it is true, discriminations minute and manifold, but happily for the country, our imposts were moderate, our speculations harmless, and our trade was free."—Report, p. 2. *See, also*, p. 20.

days of discrimination and protection against foreign rivalry, and then adducing the fact in support of his theory of free trade. It is somewhat astounding to have such an argument thrust upon us, because we are really not prepared for it. It is taking us upon our strong suit ; it is, in fact, trumping our lead. But perhaps we are mistaken, and have been all along, in the error of imagining that free trade meant a trade free of protecting duties, while, on the contrary, it meant a trade free to us, and shut up to all the world beside. We ask pardon. But our further examination does not clear up the difficulty, for Mr. Cambreleng has discovered, that ever since the Convention of London the tables have been turned and our navigation has been on the decline, or at best but stationary, while the British has been leaping forward with the bound of the greyhound ; indeed, as Mr. Cambreleng observes, "She is even overhauling our own navigation in the direct trade with that country."

Now it would occur, we think, to a direct mind, to attribute these effects to the most proximate and intelligible cause. We should say, that for the first period above mentioned, the protection of American industry, in all the branches of navigation, afforded by the plain, solid and unequivocal tariff of 1790, gave an advantage to this interest which secured it from all foreign competition ; while the repeal of this tariff, by the Convention of London, took away this protection and exposed our navigation to all the dangers of a fearful competition with a vigorous and sagacious rival. It is true, that during the first period, the system was not extended in any striking degree beyond our navigation : and the expediency of that was obvious. Our position as a neutral, among a world of belligerents, pointed out to us the wisdom of gathering in the harvest of commerce. Our population was small, our agriculture not overstocked, and our markets good ; why seek new sources of industry when there were no idle hands ? why desert a field, which was left for our reaping, until it might be too late to gather the crop ? We were well—we could not be better. We owed no part

of our success to free trade, except to that sort of free trade which consisted in having it all to ourselves. The principle of reciprocity had gone to the winds,—it never entered into our imaginations. The world was busy in cutting each other's throats, and we were busy in keeping them alive.

But in 1815, a new state of things presented itself. Our rulers—how wisely, we leave Mr. Cambreleng to determine—chose to let go the restrictions, and we entered, once more, upon the theatre of commerce, with as different sensations as those with which Henry Morton visited the Bothwell-brig after his return. The same zeal that had before pursued the engrossing purpose of war, was now displayed in the sunshiny enterprise of peace. Our productions increased with our population; we had left off carrying the products of other nations, and were anxious even for the privilege of carrying our own; our exports multiplied in quantity, and diminished in value,\* and our importations exceeded them in amounts that fastened upon us heavy debts, which we could only pay in specie. Our gold and silver took wing; and the withdrawal of these sentinels of our paper currency, gave that imprisoned creation the free scope of the air. It pervaded all space, affected all values, and brought on that pestilence of unwholesome credits, that had nearly overwhelmed the nation. In this state of things, we were forced to turn to our reserved sources of prosperity. The tariff of 1816 is not deserving of consideration as a measure of protection. It was in its greatest bearing but a measure of revenue. It was, in fact, but the reduction of the war rates, and those unfortunate beings, who were deluded into the belief that it was capable of protecting an ex-

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\* Cotton has always been our chief export. The following statement will show the increase in quantity and diminution in value. We compute by millions without referring to the fractions.

1807 Exports of cotton.	66,000,000 of lbs.	value \$14,000,000
1815       "       "	82,000,000       "	17,000,000
1820       "       "	127,000,000       "	22,000,000
1823       "       "	173,000,000       "	20,000,000
1825       "       "	176,000,000       "	36,000,000
1826       "       "	204,000,000       "	25,000,000



pensive infant manufacture, learned wisdom at the most dreadful temporal sacrifices. As, however, these great interests of the country found favor in the sight of the Government, and the successive improvements of subsequent legislation upon them, began to be felt, the nation steadily revived under the process ; and every year a new impulse was given to the most valuable of our energies. Notwithstanding the effect of British competition upon our tonnage, and the increase of the ratio of that portion of their shipping employed in our trade, our own navigation vigorously and rapidly augmented. We say this, in the face of Mr. Cambreleng's assertions to the contrary. We shall, in the sequel of our remarks, make good our ground. For the present, our inquiry is confined to an investigation of the principles of free trade.

So far as this investigation goes, we think we are warranted in concluding, that Mr. Cambreleng's vision of non-restriction will prove to be somewhat like that of Mr. Huskisson, with the exception, that it does not extend to the protection of any industry but that employed in navigation ; and we are mainly doubtful if his measures are even the best for that. His will, however, is good, and we sincerely believe that he is quite in earnest in his zeal to increase our commerce. He is an enthusiastic merchant, and the most zealous of New Yorkers. He has a natural tide-water liking about him ;—is in ecstasies with the thought of increased commissions, and sedately intent in his project of converting New York into Liverpool—even by the transfer of the population. His whole conceptions of national prosperity are summed up in a compendious system of fetch and carry. He would like to carry every thing raw across the ocean, and bring back every thing made up. It would delight him to have the flour of New York baked in London. All the sinew and muscle of the country, in his estimation, are concentrated in her tars, her wealth in her ships, and her gentlemen in her factors. Five per cent. for selling, and two and a half for buying are the most exquisite of domestic operations ; and long speeches, about free trade, the most

charming of diversions. We do not feel inclined to interfere with his tastes, nor would we disparage the lofty pretensions of our good friends in Gotham, but we are not quite so liberal in our prejudices in her favor. We think it a fallacious idea, that our navigation is our *greatest* interest. We do not think its rise or decline "the index of our national prosperity and power." We have no fears of our commercial marine, nor of our want of a vigorous, brave and triumphant navy. We see no reason to believe that either the one or the other will be prejudiced by the protective system. On the contrary, we are convinced that their surest reliance and most healthful nurse will be found in that very system. Navigation is the handmaid of manufactures,—it is an arm, and a valuable one, of our power, but it is neither the head nor the body. It can only flourish upon the cultivation of our other sources of industry ; and notwithstanding the hypochondriacal auguries, and ill-omened sighs of Mr. Cambreleng over the departing vigor of this sturdy and gallant concern, we have seen it, and still see it, increasing with an exulting step. Our coasting tonnage moves like a giant, and our foreign, with the occasional fluctuations of different years, advances to its destinies with a stride that already has struck many a fearful misgiving into the hearts of our rivals. We say this, for the comfort of Mr. Cambreleng, and with some hope that it may reconcile him to the perverse destiny of looking upon a prosperous commerce lifting its head from the midst of the phantoms of the protective system.

With these remarks, we take our leave of Mr. Huskisson's and Mr. Cambreleng's free trade, having persuaded ourselves that, in regard to the system of Great Britain, they have both been guilty of a misnomer. We have found nothing to give us a just notion of its applicability to human affairs. We end our search where we began. It is a chimera ; a pleasant diversion of the philosophers to amuse an idle hour ; an article of faith with Mr. Cambreleng ; and a hoax with Mr. Huskisson. It is the Bottle Imp, which every man persuades his neighbor to buy, and which no man is willing to keep ; constantly falling

in value and never bringing what it costs ; a fruitful instrument of juggle, that consigns the unfortunate wight that holds it, at the lowest farthing, to the power of the fiend. "Miscreant devil ! if I again call on thee for thy services, it is that I may rid myself of thee forever !" We would give our country the benefit of the moral—"touch not, taste not !"

We have much more interest in analyzing Mr. Cambreleng's argument upon the tariff, and we approach this task better satisfied with the undertaking, because, however ambiguous the doctrines of the learned chairman, and the followers of his school may be, on the subject of free trade, their objections against the tariff are, at least, intelligible. We have no difficulty in understanding their import. It is a question of opinions and facts ; of predictions and results, and we can compare them.

It is worth while remarking the amount of promiscuous obloquy that has been cast upon this measure, and that has assailed it in every stage of its growth ; and how like a plant of stubborn virtue it has grown in spite of tempest and foul weather. If half that is said of it were true, it is one of the most pervading causes in nature. Do prices rise or sink, or a bank break or a factory fall, or a merchant overtrade himself and burst, by repletion, or under trade and collapse by attenuation, the earth multiply her abundance or refuse her stores, the people emigrate or stand still, our rivals starve or prosper, it is all resolvable into the tariff. It meets all emergencies, supports all theories, consorts with every possible state of facts, and furnishes a compendious and universal solution of all difficulties. There is, nevertheless, one thing perplexing about it : in spite of persuasion and prophecy, it obstinately refuses to check the growth of internal improvement, to lessen our commerce, to rob the revenue, or even to starve the people. Our state physicians are constantly feeling the public pulse and holding consultations upon the case ; it is hard for them to determine whether we get better or worse. Their embarrassments are full as vexatious as that of the worthy leech whose

patient exhibited the anomalous symptoms described in the following summary: "Doctor, I eat well, drink well, and sleep well;—what can be the occasion of it?"

The reply may be equally as applicable in the mouths of our friends:

"Ah, my dear sir, I will give you something to cure all that."

We are not quite sure, that on the subject of the tariff, Mr. Cambreleng will be considered the oracle of the party,—always excepting the City of Gotham, where we do not venture to question his authenticity,—but of the anti-tariff party at large; that numerous and respectable portion of our fellow-citizens, who object to the tariff policy from all the different considerations that general, personal, local and peculiar interests have conspired to collect;—a body of malcontents on sundry grounds. One party objecting, because it does not protect equally; a second because it protects at all; a third, because it is against their private interests; a fourth, because it is against the Constitution; a fifth, because it is against General Jackson; and a sixth,—a small, and simple party,—because it is against Adam Smith! although it is obvious that Mr. Cambreleng's objections are intended to cover the whole ground. He holds with them all, and takes it to be, in whatsoever regard it may be considered, altogether a thing accursed; desecrated to the full measure of the malediction upon Obadiah, "for tying these knots."

It is our purpose to bring these several opinions of Mr. Cambreleng into array, in order that we may test them by the evidence to which they appeal, and by their relationship to each other. The report has the merit, except in but few particulars, of being clear and intelligible in its language. It exhibits the intrepidity of assertion that belongs to a writer who is proud of his responsibility, and means to stand by it: we run the less risk, therefore, of misrepresenting him. His principles may be comprehended in the following points:



1. The doctrine that "restrictions are the best means of permanently securing cheap commodities," is an antiquated absurdity.—(vide p. 5.)

2. That the protective system has been prejudicial to our own domestic industry, which "would go far towards furnishing our own supplies under a system of imposts, high enough to *encourage manufactures*, but not so high as to encourage gambling."—(p. 8.)

3. That it is utterly incompatible with our confederated form of government.—(p. 14.)

4. That restraints on foreign commerce diminish the value of agricultural produce.—(p. 6.)

5. That they tend to increase the tide of emigration, and are now reducing the New England States to a condition "as unimportant as any one of the members of the German confederacy."—(p. 6.)

6. That the protective system has given rise to a most formidable contraband trade, while, at the same time, it has encouraged monopolies, diminished consumption, and oppressed the poorer classes of society with grievous burdens.—(p. 12, 27 *et passim*.)

7. That it is destructive to navigation, and has given us ground to fear that our naval ascendancy is far in the rear of all our rivals.—(p. 18.)

8. "That no nation, whether of Europe or America, *can contend*, in manufactures, with Great Britain,"—(p. 7.)—and that "the *only* result of our taxation must be to perpetuate the ascendancy, *even in our own markets*, of the manufactures of that nation."—(p. 9.)

9. That notwithstanding all our legislation, we are as little of a manufacturing people now, as we were at the adoption of the constitution—(p. 6)—and that "ours is essentially an agricultural people."—(p. 7.)

10. And, finally, that our tariff is injurious to every interest, and to every section of the country.—(p. 8.)

Such are the cardinal points in the creed of Mr. Cambrel-

eng, and generally, we believe, of those who style themselves the advocates of free trade.

It is not our intention to enter into a large discussion of all, or any of these dogmas. No question that has ever risen in America has been more fully debated, than every thing that appertains to the protective system. It has, literally, been drained dry: and, we think, there never was a controversy in which the force of argument was more overwhelming. The friends of the present system have uniformly met the vague, contradictory and indefinite theories of their opponents, with sound conclusions, tested by the experience of the most enlightened nations, and fortified by the constant accumulation of present facts. It has been the singular fate of the advocates of free trade, to witness, in the short career of our own experience, the successive demolition of every ground upon which they have entrenched themselves: they have been floored in every bout. Not one prediction has been verified; not one assertion made good; not one citadel maintained. Our evils, according to these gentlemen, are *yet* to fall upon us: accidental combinations have hitherto occurred to withhold the storm that they have prophesied for us. Even Mr. Cambreleng, who banquets with the gust of an epicure, upon any present horror, is obliged to feast on the hope of *coming* distresses. His sympathies are, mostly in anticipation: he is condolatory in advance: his sighs are not at sight. He enjoys, therefore, his present minor afflictions with the certainty of a reversion of ill humor which, we predict, is forever fated to follow his jack-o'-lantern fancies at a distance that can never be diminished.

Our business, for the present, is to deal with his facts.

The opponents of the protective system certainly contend at great disadvantage, because they contend against the universal testimony of nations. They are unable to afford the world the lights of experience. While, on the other side, it is in our power to meet them with the perplexing interrogatory,—Why is it that these sublimated speculations have been con-

stantly urged upon us by those who have all the power to adopt them, themselves, in practice, under the most favorable circumstances, and who yet eschew them with the same circumspect avoidance as the veriest ravings of the most dangerous philosophy? Why is it, that Great Britain, with a capital as powerful as the lever of Archimedes, with the very perfection of human craft, and with the most intelligent conductors of human industry, has ever been distinguished for the zeal with which she has descanted upon the captivations of this theory, and yet has never approximated to a recognition of it in any one period of her history?

It is remarkable, that she has never yet seen a nation devote her attention to manufactures, that she did not straightway resort to every expedient of diplomacy, persuasion or force, to induce her to an abandonment of the purpose—all, if we could trust to the sincerity of her professions, for the purpose of improving the happiness and comfort of her rivals. She has occasionally succeeded in the effort, and her victims have uniformly found out their errors in aggravated domestic calamity, and, sometimes, in the total overthrow of their best interest.\*

She is now playing the same game with us. The American tariff has waked up the slumbering serpent of Britain; a serpent that is never seen to move while the British protective systems are unthreatened from abroad, but which is never quiet when England's enemies are guilty of the heresy of following her example.

But to proceed to our examination :

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\* Of this, the Methuen treaty, concluded in 1703, with Portugal, is a most conspicuous example.—(Vide "Pope's British Merchant," vol. iii. p. 76, and "Wealth of Nations," book iv. c. 3.) That nation, with a prosperous and valuable system of manufactures, was persuaded into this treaty, of three short articles, by which she surrendered the right of restricting British manufactures. Her story is briefly told. A thriving nation was reduced to bankruptcy, and a state of dependence worse than colonial vassalage. Mr. Methuen was applauded, and the poor Portuguese laughed at. "Equo, ne credito Teueri!"

Mr. Cambreleng's declarations are over-bold. The "anti-quated absurdity" of which he speaks in the *first* opinion that we have imputed to him, is, to say the least of it, not an obsolete one. It is consecrated by the names of the most eminent statesmen of both hemispheres. The very proposition to which he applies it, is, in terms, the proposition of General Hamilton.\* It is the avowed doctrine of Mr. Huskisson: the "absurdity" upon which England has advanced to empire, and now holds the scales of power for the world: certainly the most fashionable and reputable of absurdities. It is, as we affirm, the principle which has operated to preserve the energies of our own people amidst that mighty conflict of civilized nations for supremacy, in the present peace of mankind, and without which we should have sunk into the inconsiderable power that Mr. Cambreleng believes us to be. But, above all, it is "an absurdity" which, if we understand Mr. Cambreleng aright, has the respectable sanction of his own name in its support. His *second* proposition above quoted, affirms the very principle: "our manufactures would go far towards our own supply, under a system of imposts *high enough to encourage manufactures*, but not so high as to encourage "gambling." We ask for no more than a system to *encourage our manufactures*, and our difference with Mr. C., it seems, is not at last one of principle, but one of degree. It is no more our wish to encourage gambling than it is his. We may have different notions of the rate of imposts necessary for the purpose of encouragement, but we entirely accord in doctrine. We must be

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\* We quote from the Report on Manufactures (page 212, Phila. edition). "But though it were true that the immediate and certain effect of regulations controlling the competition of foreign with domestic fabrics was an increase of price, it is universally true that the contrary is the ultimate effect with every successful manufacture. When a domestic manufacture has attained to perfection, and has engaged in the prosecution of it a competent number of persons, it invariably becomes cheaper!"—"It can be afforded and accordingly seldom or never fails to be sold cheaper than was the foreign article for which it is a substitute."

permitted to say, however, that this seems to be a concession on the part of Mr. C. very much at variance with his first principle, and entirely subversive of his doctrine in regard to the constitutionality of the measure, expressed in the *third*. It is a concession wrung from him by the invincible testimony of the facts: one that, as an American and a statesman, he could not, in candor, withhold. There are some branches of our protected manufactures, that it would be the rashest folly and most culpable ignorance to say, have derived no benefit from the protective system of this country. Our plain cottons, Mr. C. is obliged to confess, form an exception to the evils enumerated in the train of our protective system—and it is too obvious for him, or any one else, to deny that our manufactures from leather, tin, copper, furs, and a host of other articles, have risen to a degree of prosperity that protects them forever from the competition of any rivals—not under the 5 and  $7\frac{1}{2}$  per cent. tariff of 1790—but under the 10, 15 and 30 per cent. tariffs of 1794, 1816, 1820 and 1824. If Mr. Cambreleng means to say that this is his free-trade system—why, then, we shall hold it in more esteem. It is nearer in its resemblance to the free trade of Mr. Huskisson, and precisely in keeping with the free trade which, Mr. Cambreleng has shown, worked such wonders in favor of our navigation, up to 1807. But, we must tell him, it is not the free trade of Adam Smith, the Edinburg Review, and Mr. Ricardo—the short compend of whose doctrine is, “that the manufacture which can subsist without protection, does not want it, and that which cannot, does not deserve it.” He may quibble with us, perhaps, on the difference between *encouragement* and *protection*. As to the constitutional question, we can draw no distinction. If it be unlawful in Congress to *protect*, it is equally unlawful to *encourage*. The constitution does not deal with degrees—it gives all or none. But the distinction is equally futile in every other sense. To encourage our manufactures, you must protect them. The very encouragement is dependent upon the protection. No man will venture his capital into



trade under the inducements furnished by the government for his encouragement, but with the guarantee of their protection. It would be a system of the most dishonorable and treacherous cruelty to extend encouragement on any other terms. It would be like encouraging our population to cultivate the Indian frontier, and deserting them upon the first incursion of the savages. It is a practical absurdity—a most pernicious sophism.

The *fourth*, *fifth* and *ninth* principles in the creed of Mr. Cambreleng, as we have stated them, fare no better than his first and second.

They stand in the like attitude of hostility. “The restraints on foreign commerce diminish the value of agricultural produce! and they increase the tide of emigration from the New England States to the west.”

“Ours is essentially an agricultural people.” And “we are as little of a manufacturing people now as we were at the adoption of the constitution!”

Mr. Cambreleng everywhere treats the protective system as one destined to raise State monopolies—an odious taxing of the many for the benefit of the few—a plan to enrich one portion of the Union at the expense of the rest.—(See p. 11, 12.) Now, if this be true, we would ask where do these monopolies exist? and of what character are they? If in the manufactures created by the protective system, how can they be *monopolies*, when Mr. C. tells us they would have been more numerous and prosperous without the tariff than with it (page 6)? and that “we have been steadily sacrificing the commerce, navigation and capital of New England, merely to bring forward new competitors in manufacturing, to embarrass our old and skilful artisans, and to ruin themselves” (page 2). If this be creating monopoly, it *looks* very much like the reverse. If discouraging manufactures by ruinous duties, and bringing new competitors into the field to contend against the old ones, be a monopolizing system, we have always been under a misapprehension of the terms.

This cry of monopoly is very stale, and quite unworthy the respectable character of Mr. Cambreleng's mind. There is no feature, as he himself has shown, of monopoly about it. There are no individuals nor companies invested with exclusive privileges. There are no overgrown capitals to frown down the attempts of the feeble. The field of competition is as open as the native atmosphere, and the results have been so far from those of a monopoly, that the well known cause of much of the present distress among our manufacturers, and the unquestionable source of that astonishing decline of prices, of which Mr. Cambreleng speaks, is the extraordinary and unparalleled activity with which the ground of domestic manufacture has been occupied by artisans of all classes, degrees and size. Scarcely a mill seat has been found, in the last ten years, in those regions of our country suited to manufacturing, and especially in New England, that has not been seized upon by the greedy enterprise of our industrious manufacturers.\* Villages have sprung up under its influence: the waste has been turned into a garden; the unoccupied and profitless population of the country, have found labor and reward at their hands, and the most happy and joyous changes have occurred in the condition of thousands of helpless families. Whatever effect has resulted from the tariff policy, upon the success of the capitalist; however it may have trenched upon the established channels of commerce, there is but one opinion throughout the Union

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\* It is somewhat remarkable, that the smaller manufacturing establishments in the United States, have suffered the least from the severe competition of the last year, and have *bent* before the storm that has *overwhelmed* sturdier antagonists. The difficulties of Connecticut, where there are, we believe, no large establishments, have been comparatively unfelt—and, generally, the moderate capitalists have at least saved themselves.

Manufactures are also making their way into the South. We understand that at this time an extensive cotton establishment is about removing from Delaware into South Carolina. There is more than one Oasis, too, in the anti-tariff desert of Virginia. Principles will travel with machinery.

of the accumulated benefits it has dispensed upon our poorer population, and of the utter absence of any one consequence belonging to a monopoly. It is well enough that Adam Smith, and other European writers should inveigh against the monopolies with which they were conversant ; against the mischiefs of old establishments, invested by royal charter with exclusive privileges, or guarded, with all the force of parchment, against the competition which has always proved so beneficial to the arts ;—but it is very unbecoming an American statesman, and a philosopher, to press their sensible and well founded reproofs into a service that affords no one point of resemblance or application. Such an effort is as discreditable to the judgment of the man who makes it, as the argument, that because Great Britain can manufacture wool with a protection of 15 per cent. America can do it with 30 !

But, there is one thing still more striking about this : why is it that the population of New England should emigrate to the agricultural districts, with all the inducements of this monopoly to keep them at home ? and that when, as the chairman informs us, agricultural products are diminishing in value. The people of New England are charged with a disposition to fly to the agricultural districts at some thousand miles off, and to encounter all the privations of a country which has scarcely a market for any thing, and which pays double for every thing imported, at a time when agricultural products are diminishing in value, and to fly, too, from a quarter of the Union enjoying the exclusive privileges of monopoly ? We insist upon it, Mr. C. must give us up the *reduction* in the value of agricultural product, the *monopoly*, or the *emigration*. We think inquiry will show that he is entitled to neither of them. As to the *monopoly*, Mr. C. cannot seriously urge it. The *emigration* from New England caused by the tariff, he has asserted with some emphasis, and has attempted to prove it by reference to the census. His argument upon this subject is as flimsy as a piece of Manchester cotton made to resemble American—as his own system fabricated after Mr. Huskisson's ! It is this :



The decline of population began with our restrictions in 1807. From 1790 to 1800, the increase in New England was 226,036 ; from 1800 to 1810, 239,883 ; from 1810 to 1820, 188,154 ; and up to 1828, 152,616. The *ratio*, he admits, might diminish, “but *it is evident* that the *amount* of the increase ought to have been greater in every succeeding ten years, instead of declining as it has done uniformly since 1807.” We presume that Mr. Cambreleng will not dispute with us the proposition, that a small population will increase in a greater ratio, though not in greater numbers, than a large. A man and his wife may contrive to double their population in two years, but he will be an active settler, and his wife as valuable a dame as the help-mate of Reuben Ring, in Cooper’s romance, if he be as successful in the next two years ; and nothing but a miracle could assist him in the third series. Mr. Cambreleng admits this, but he couples it with the remark, that “*it is evident the amount* ought to be greater in every succeeding ten years.” We would ask the learned chairman, in what State the amount has been greater in each succeeding ten years ? We answer for him ;—*but one State in the Union*, and that, *Vermont*. In the last eight years, every State in the Union, with that exception, has been declining in ratio and amount ; even the great States of Ohio and New York ; and they, more than others, for the very reason that they are great States. Until the period assigned to the restrictions (1807), we had no large new States ; the most of them were established after 1810. Since that time, about 300,000 square miles have been opened to emigration, and the population which has migrated thither has gone, principally, between 1810 and 1820, and at this time amounts to about 600,000. Now, the emigration has not been in a greater ratio from New England than from the other States ; for New England has actually *increased* in population in a greater ratio than New Jersey, Delaware, Maryland, Virginia and North Carolina, notwithstanding that her family is larger and more thickly settled ; a circumstance that would, of course, lessen the ratio. The conclusion, therefore, from

the census proves nothing, or it proves too much. It proves as much against the vigorous communities of Ohio and New York, as against New England ; and yet no one will believe Mr. C. when he assures us that the population of these two States is suffering from the restraints on commerce.

The truth is, Mr. Cambreleng is altogether mistaken in imputing the common necessary emigration of New England, with her present dense population, to any cause connected with the tariff. There is great reason to believe that more persons leave New England to pursue mechanic arts than agriculture ; and the most thriving manufacturing establishments, in the new States, will be found, generally, in the hands of the emigrants from New England. The western country is every year becoming a more comfortable region, and the inducements to emigration, therefore, are continually multiplying ; as much in aid of the extension of the manufacturing system, as of the cultivation of the soil. If any thing has arrested this tide of emigration, it is to be found in the manufactures ; the employment they have afforded, and the comforts they have dispensed, superseding, in a vast number of cases, the necessity of removal.\*

To say "that ours is essentially an agricultural people," is an unmeaning generality. We are essentially whatever the occasion makes us ; bent by no national habitudes to any particular species of labor, but remarkable, throughout the world, for our facile and dexterous versatility in any calling ; and there never was a nation so well fitted to raise themselves out of that class which Smith and Say both denominate the *beggarly countries* ; countries addicted to agriculture, and dependent upon foreigners. But Mr. C., who is fated to afford every variety of self-contradiction, and whose report is "compact of jars" to a degree that we have never seen in the

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\* Indeed, Mr. Hayne has charged upon the New England States the encouragement of the protective system, with this very purpose of repressing emigration to the west.—(See his last speech.) The professors disagree !

most hurried performance, is not consistent even in this simple declaration. It suits his argument, more than once, to represent us in another light. We are sometimes naturally a commercial country (p. 21). And again ; we are a people of such strong propensity for manufacturing, as even prematurely to engage in it (p. 6).

We think, however, that we have said enough to show that Mr. Cambreleng is entitled neither to the emigration of New England, nor to the *monopoly*, in his argument against the tariff ; and, it would seem, that he has as little claim to set down the *diminution in the value* of agricultural products to that source. Indeed, his own argument upon emigration ought to have solved that problem for him. The cotton planters have about the same sort of monopoly that the manufacturers have ; and the consequences have been exactly the same. Nature has imposed her protection on the product, and the monopolists have increased so rapidly, that the competition has furnished a tenfold supply. Upwards of one hundred thousand square miles of land have been opened to the planters, and the quantity of the material has increased from about 20,000,000 of pounds in 1800, to 294,000,000 in 1827. As it is the natural tendency of all competition to bring down price, we have at once a short explanation of the diminution of value of which Mr. Cambreleng speaks. It is needless to look beyond this cause, for it is entirely adequate to the effect ; and it does seem to us to argue a perversity of prejudice, to travel to so remote and uncertain a source as the supposed unfriendliness of the protective system to population, to escape so simple a conclusion. Indeed, to our conceptions, it seems particularly unfortunate in the argument, because we could not imagine any device better calculated to prevent this overstocking of the agricultural class than the manufacturing system, and, especially, that kind of manufacture which consumes, in immense quantities, this very product. All the economists argue strongly in favor of manufactures,—none more than Adam Smith,—from their admirable adaptation

to consume the accumulations of agriculture.\* The only question they have entertained was, whether manufactures will not grow better without protection than with it, but of the importance of their growth, and their singularly prosperous influence upon a home market, we do not remember ever to have read a dissenting opinion. We take it for granted, that Mr. C. himself has no disposition to controvert this point with us, and that he would rather endeavor to make good his case by asserting, that there were actually no manufactures in New England. He firmly believes that our manufactures have not grown up under the influence of the tariff; but, in fact, have been rather repressed and hindered by it. When he proves this point to the satisfaction of one intelligent friend, on his own side of the question, we shall, perhaps, examine his documents, and attempt to entertain him with some further extracts from the report, upon the injury done to commerce by the immense diversion of capital into new channels of industry—upon his horror of monopolies, and other matter connected therewith. For the present, we will

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\* Smith and Say both descant upon the value of manufactures, as essential to the prosperity and greatness of a nation. They in common with other economists, agree in calling the manufacturing, the rich nations, and the agricultural the poor. Even Dr. Cooper (in his speech at Columbia, July, 1827), does homage to the great importance of this interest, and its claims to *encouragement* and *protection*. We will spare the Doctor any reference to his commendations of the restrictive system in 1813. He has repented of that, and sung his palinode. We cannot say we are sorry for it.

Adam Smith goes further upon this subject than is generally believed of him: as the following extract will show:

“From the beginning of the reign of Elizabeth, too, the English Legislature has been peculiarly attentive to the interests of commerce and manufactures; and, in reality, there is no country in Europe, Holland itself, not excepted, of which the law is, upon the whole, more favorable to this sort of industry.”—Wealth of Nations, Hartford Edition, p. 325.

What country has been more severe in restrictions than England or Holland?



e'en rest in the faith that there *are some few* manufacturing establishments erected in the United States ; and that they *do* consume *some* portions of cotton, of grain, and other agricultural products. Lord Peter shall never persuade us that bread is any thing but bread !

We, therefore, dismiss this branch of the report, and take the liberty to say that we presume the learned chairman means *merely to be pleasant*, when he tells us that "notwithstanding all our legislation, we are as little of a manufacturing people now as we were at the adoption of the Constitution !"

Upon the *sixth* proposition Mr. C. has made a display worthy of himself and his subject. If we had not already become familiar with the cast of his mind, we should stand aghast with his deductions upon this point. It presents one of the most tremendous explosions of opinion that has ever burst upon the people of this land. The worthy chairman has fairly wrought himself up into the true Munchausen vein, when he descants upon the vigor of our contraband trade. It is impossible, he tells us, "to measure the extent of a trade, the existence of which depends on secrecy and despatch ; but we may form some opinion of its growth, by contrasting our present duties, revenue and population, with those which existed more than twenty years ago. Under our former moderate duties, the net revenue from customs had risen to sixteen millions annually. The ten preceding years, from 1818 to 1827 inclusive, averaged about eighteen millions annually, although we had, in the mean time, doubled our population and our duties. Had our consumption continued to increase, even in a ratio to our population, and had our high duties been enforced, instead of eighteen, we ought now to have collected an annual revenue of forty or fifty millions"—(p. 26). From all which he has brought himself to the modest conviction, that our smuggling at present strips the revenue of about TWENTY OR THIRTY MILLIONS annually!!!—Bravo ! And all this from the tariff. The country owes her everlasting gratitude to Mr. Cambreleng for this valuable discovery.

Not to be behindhand with him in zeal to open the eyes of our countrymen, we shall improve upon the hint he has given us, and endeavor to construct a table to show the amount that has been smuggled into the United States: taking his \$16,000,000 of customs in 1807 as zero, and rising with the population.

In 1818 the customs amounted to				The smuggling was				
upwards of 17 millions.				then about 8 millions.				
1819	.	.	20	"	.	.	6	"
1820	.	.	15	"	.	.	12	"
1821	.	.	13	"	.	.	15	"
1822	.	.	17	"	.	.	13	"
1823	.	.	19	"	.	.	14	"
1824	.	.	17	"	.	.	17	"
1825	.	.	20	"	.	.	16	"
1826	.	.	23	"	.	.	15	"
1827	.	.	19	"	.	.	20	"
1828	.	.	23	"	.	.	16	"
Total in 11 years,				.	.	.	152	"

The Exchequer robbed of one hundred and fifty-two millions since 1818! What a lesson for the enthusiasts upon republican virtue! What an exhibition of mercantile patriotism! What a commentary upon a custom-house oath! And, above all, what a magnificent idea for Mr. Cambreleng's brain! and yet, with this awful display before him, the worthy chairman is of opinion (after Mr. Huskisson), that a maximum duty of thirty per cent. ad valorem, has been ascertained to be, "after centuries of experience, the safest for the revenue, and the best for manufactures"—(p. 38). Why, sir, the duties up to 1824 were not even as high, in most cases, as 30 per cent; and yet, in the seven years under those rates, it seems (upon the authority of the committee) that we smuggled with as keen a relish as we have ever done since. There were up to that period 95,000,000, unlawfully purloined from the Treasury! And what must have been the amount of merchandise thus surreptitiously introduced. In 1825 the imports were valued at \$96,000,-



000 : and that sum only yielded 20,000,000 of customs. At this rate the 95,000,000, out of which the government was defrauded, in the seven years of thirty per cent. duties, must have represented merchandise to the value of—let us see : If 20 give 96, what will 95 give?—four hundred and forty three millions of dollars ! And the whole 152 give us seven hundred and twenty-two millions of dollars' worth of goods let into the country in eleven years by stealth ! It is, really, time to change our system !

But, what is remarkable about it, the tariff of 1824 made but little difference in this rapacious and lawless spirit ; the smuggling for the next two years being even less than before. What an amount of tonnage must have been employed in this illicit trade ! Nearly equal to that engaged in the lawful trade : and yet scarcely a ton of it registered :—for Mr. Cambreleng shows us that in 1807 our foreign tonnage was 1,089,876 while in 1827 it was 900,199. Consequently, all the balance of tonnage necessary for this immense smuggling trade—greater in 1827 than the lawful—must have been in *unregistered* vessels, either of our own or foreign construction, something like 900,000 tons of secreted shipping ! Verily, Mr. C. says true, “we have vast and imaginary boundaries,”—and some vast and imaginary statesmen ? But Mr. C claims a deduction for diminished consumption. He insists that the protective system of this country has curtailed the supplies of the people—nay, he goes further, and affirms that it has particularly oppressed the poorer classes ; that the consumption, in fact, has been growing less, ever since the era of restrictions. Yet, with his usual blindness to inconsistent averments, he tells us (pages 5, 6) that the system of restrictions “has derived some degree of popularity from the reduction of prices”—that “every year our wants have been supplied at a cheaper rate,”—and that, “it is impossible to anticipate, should the peace continue, to what minimum rates prices may be reduced.” With this admission, what becomes of his diminished consumption ? It is against every theory of politi-

cal economy to suppose that consumption can diminish under this accelerated and continuing depression of prices, and, much less rational is it to suppose, that smuggling could prevail to any extent, under such a state of things. Mr. Cambreleng must either assume an *increase* of prices, or abandon his *diminished consumption*,—and thus leave his smuggling trade unmitigated by that circumstance,—or else abandon his *smuggling* altogether. There could not be woven together a tissue of greater absurdities. The things are quite incompatible.

But the friends of free trade have ever been remarkable for the most incorrigible obliquity of argument. They never fail to overleap the plain and obvious conclusions presented by facts, for the sake of some remote, ungenial deduction, which the facts never warrant, and which is sure even to bring them into a state of direct opposition. They can see the wonderful decline of prices, but they will neither understand their *cause* nor *effect*. The question is, really, a very clear one. The *cause* of the fall of prices has been, most obviously, the competition both at home and abroad. The restrictive system has built up manufactures at home: these have not only entered into a brisk competition with each other, but they have excited emulation abroad to underwork them,—both in foreign markets, to which we export our manufactures, and in our own markets notwithstanding the duty. The effect has been continual reduction of price;—the very consequence attributed to this competition by General Hamilton, and predicted, uniformly, by the friends of protection in the United States. Without our domestic manufactures this result never could have taken place. The British, having possession of the market, would never have reduced their prices below the effects of their own competition. So that, whether we could *now* get our supplies cheaper in England than formerly, or not, it is very evident that, but for our protective system, we never could have done so; and that as soon as we should be exposed again to the full sweep of the British capital, undis-

turbed by our home competition, we should have the prices up again to the old standard.\* The consumer, therefore, in this country has profited, and must continue to profit by the measure. Mr. Cambreleng may gravely assure us of the diminished consumption, but who can believe him? Does it not excite a smile to hear an observant American statesman tell us, at this day, that we consume less than we did ten years

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\* The British are now prepared to make any sacrifices to ruin our establishments. A few years of reduced prices would subject them to a loss which the Government would willingly incur, if it would break up our manufactures, because, released from the competition, they could indemnify themselves by the command of prices which they would thus insure in an uninterrupted market. Such a policy is not new to British ministers. We take the liberty to make the following extract from a pamphlet published by Mr. George Tibbitts, of New York, in 1829—to which we beg leave to refer our readers as one of the best expositions of the protective policy that we have seen). “It was known, when the markets in Europe were shut against England, by the decrees of Bonaparte, that the English Government formed an establishment on the little barren island of Heligoland, near the mouth of the Elbe, as a *dépôt* and place from which goods could be readily got on to the continent, and from which large quantities of goods found their way from England to the continent. It was known, also, that the English Government sent large sums of money to the continent as subsidies to the powers in their interest, which cramped their metallic circulation at times very much. But it has, but lately, been generally known, that to get this money back, and keep every thing quiet at home, goods, to large amounts, were sent to the continent *at the instance of Government, who guaranteed the adventures against loss of every kind*; which cost the Government millions”—p. 27.

Even without the aid of Government, the manufacturers of Great Britain would be content to spend something to *run us down*, if they were sure of success. It is the spirit of trade. We have now an exemplification of it, in the “Old” and “Opposition” lines of coaches from this to Washington. The “old line” are running below cost, in hopes to drive the “*opposition Yankees*” off the field. No one doubts how the “old” will reimburse itself if they succeed. At the present time the prices, like Mr. Cambreleng’s, have “declined astonishingly.”

ago? Was there ever a fact more open to the contradiction of the senses? There is not a laborer, perhaps, in our country, that does not wear two shirts now, where he wore one at that time:—the increasing comforts of the country are marvellous to all observation: our citizens are better clothed, better fed, and more steadily employed in industrious pursuits than they ever were before. It is true, that a certain class of merchants do not get the same extravagant profits on capital, but every other interest in the country has been brought nearer to an equality of comfort with them. This fact is sufficient, of itself, to illustrate Mr. Cambreleng's zeal, and opens the whole secret of the applauding fervors of Gotham. We regard it, however, as a consummation full of splendid realities, working its miracles among our people with a notoriety that cannot escape even the prejudiced observation of Mr. Cambreleng himself. It is in vain to say that this process of reduction in price has been the ordinary settling down of war rates to rates of peace. The process has not even followed the successive operations of that cause. The fall did not commence immediately after the peace; it came almost *per saltum*, upon our protecting duties. The tariff of sixteen did but little for it; the tariff of twenty-four acted like a charm. But what does Mr. Cambreleng mean by "the salutary influence of peace on the labors of mankind," if he does not include in it, the very competition of which we have been speaking? And will he be so bold as to deny that our protective system has given rise to no competition, plainly ascribable to itself? If he does, how will he account for the fact that in 1820 we exported but two millions' worth of domestic manufactures, and that in 1827 we exported the value of six millions and a half, when the prices had fallen to less than 50 per cent. upon their value in 1820? Does this fact speak nothing in favor of our protective system, and its effect upon foreign competition? Has it excited no emulation on the part of our English rivals? Have they had no fears of the American manufactures, which could thus gain a

footing in foreign parts where they met upon terms of perfect equality.\* Have they been silent about the influence of the protective system? Or have they not given forth the usual diagnostics of their irritated nervous habit, in reduplicated efforts to persuade us of the value of *free trade*, and the policy of dismissing our system?—the most certain index that Great Britain ever affords of her dread of the consequences. Under all these circumstances can we be so blind as to take the bait?

We should say, there are motives to distrust Mr. Cambreleng and his friends sufficiently strong to refuse his evidence on the subject altogether. We cannot place confidence in the judgment of one so singularly hoodwinked as to facts. The interest which he represents, the tone in which he represents it, and the fatal delusions of his philosophy, are sufficient to discredit him as a witness. The factor part of the City of New York have a very perceptible interest to persuade us to take every thing across the Atlantic, and bring every thing back. It is like the interest of the hack-men and boot-blacks of Washington, to pray continually for foul weather. "Your cursed fine days" set people to using their own resources—they break up the carriage-hire and the cleaning. The protective system encourages American, instead of English labor, and, of course, the carrier and his agents, between America and Great Britain are the losers. Its effect upon the regular, substantial merchant of the country is just the reverse: it expands his means, multiplies his products, increases his

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\* We are unable to furnish the history of the negotiations between Great Britain and the Government of Buenos Ayres, and other powers in South America, some two or three years back. But their import is well understood. The fear of American competition there has been something more than an idle vision. These things will come to light in good time. Even now the British cottons, in that quarter, owe their currency to fraud. They are flimsy imitations of substantial American wares,—bearing counterfeit marks. In the way of fair trade, it is seen that our manufactures are able to keep their ground even against this competition.



adventure, and bears his flag to the uttermost parts of the earth.

We think we have said enough to show that the reduction of prices is nothing more than the legitimate effect of our system. It is the effect foretold by the friends of the tariff, and denied *à priori* by its enemies. Both parties have appealed to time as the arbiter. And time has given it in our favor. The free-trade politicians foretold, and Mr. C. still repeats the augury, that every thing was to rise in value. We think it unphilosophical, or at least, a very suspicious symptom of weakness, to ascribe predicted consequences, after they have arrived, to any other than the causes counted on by those who prophesied; and, much more so, when the predictions were manifold and particular; and when they who deny the connection between the cause and effect, can only account for the contingency, by strained, far-fetched, and unintelligible conjectures. But whether they be right or wrong in their philosophy, all agree that the prices, as Mr. C. asserts, have declined astonishingly since the war; and that being the case, the stupendous vision of unlawful trade which has disturbed the dreams of Mr. Cambreleng, must flit away to join the other morbid creations of the dreamer's fancy, in that unvisited realm of fairy wonders, where the free-trade system flourishes in pure and immeasurable luxuriance—and where *alone* it flourishes.

Our next concern is with Mr. Cambreleng's picture of our navigation. The *seventh* proposition in our list affirms, what the reader will find sedulously inculcated throughout the report, that the protective system is destructive to our navigation; that it has reduced our shipping below what it was in 1801; and that, by contrasting its present and past condition, "we shall learn to feel no small degree of alarm, lest our fatal restrictions should have already driven us too far in the rear of all our rivals for national power and naval ascendancy"—(page 18.)

In the argument which we propose to hold with Mr. Cambreleng on this subject, we give him warning that we do not



mean to take advantage of his great commercial marine employed in his smuggling operations ; but we would respectfully suggest to the learned chairman, as some relief to his solicitude for our naval ascendancy, that he has furnished us a brilliant school for our navy in these stormy and midnight adventures on the coast ; the very best training that we could imagine to make brave and wily seamen for the wars. It has a high Spartan smack after the best fashion of Lycurgus. But as it would be ungenerous, not to say cruel, in us to use these forces against the very author of their being, we shall even confine ourselves to the records of the Custom-house.

Mr. Cambreleng, in this branch of his argument is reduced to great distress. His case absolutely requires a *destruction* of our navigation. It is a *sine qua non* to his success, and make it out he must, at all hazards—if not *totidem verbis*,—then *totidem syllabis* ;—for his whole scheme of vituperation would be undermined, if it should, unfortunately, turn out that our navigation was in a prosperous way. It is like Shakspeare's being obliged to kill Mercutio, lest Mercutio should kill him. Never was the triumph of arithmetic more complete, than in the hands of our worthy chairman ! He has succeeded after a laborious search and many trials, through a maze of figures, in finding the exact proportions he desired. The discovery has done wonders, he is even astonished at his own conclusions. He knew the thing was bad enough, but he was not prepared for such a charming list of horrors as he has brought to light.

In the first place, insisting upon it, that the free-trade system prevailed up to the year 1807, it was useful to show, that up to this period, the influence of this system had worked miracles in favor of the navigation. He therefore tells us that our foreign tonnage had risen from 127,329 tons in 1789 to 1,089,876 in 1807, a clear increase of 962,547 tons in 19 years. Now, the common opinion has been that the free-trade system had nothing to do with this—on the contrary, there are shrewd doubts among the professors themselves, whether there

was, in fact, at that time, what might be entitled free trade at all ;—whether our discriminating duties and tonnage, upon which we have already commented, were not part and parcel of our very protective system. We think, decidedly, that there was the true protective principle in it ; and so do our friends on the other side of the Atlantic. But waiving that, there was a still more potent cause which Mr. C. is equally bound to disparage.

The foreign wars and our neutrality threw upon us the carrying trade of Europe ; and the impression has been universal, among the best informed persons in the United States, that our navigation owed much of its success to that fact. But this it seems is not true. It was a stumbling-block in the way of Mr. Cambreleng's argument, and he demolishes it with a flat rebuke upon the folly of such a notion ;—"those who think so, take but a superficial view of the causes which gave a strong impulse to our navigation at that early period." "Our navigation," he continues, "grew more rapidly before the continental war, when we had nothing to carry but our own produce, than it did at any period afterwards. In three years from 1789 to '92 the increase was near 300,000 tons : from 1793 to '96 it ought to have increased a greater amount, but it was not much over 200,000 tons, showing clearly a more rapid increase, both in ratio and amount, before than after the war broke out"—(page 19). Such is the short summary by which Mr. C. persuades himself that he is able to overthrow the established opinions of the whole nation, fortified by the most irresistible documentary evidence, as well as by the personal observation and experience of our citizens, in regard to the extent of the carrying trade. Independent of all aid derived from our tonnage returns, the statement of our exports is conclusive upon the subject. The value of our whole exports, in the year ending September, 1790, was \$20,205,156 ; in 1791, it was \$19,012,041 ; in 1792 it was \$20,753,098. In 1796 our exports *of foreign merchandise alone*, were \$26,300,000 ; in 1800, they were \$39,130,877 ; in 1805, they were \$53,179,019 ; in

1806, they were \$60,283,236 ; in 1807, they were \$59,643,558. While in 1818, our *foreign* exports amounted to \$19,426,696 ; in 1820, to \$18,008,029 ; in 1824, to \$25,337,157 ; and in 1827, to \$23,403,156. This statement furnishes the most satisfactory evidence as to the condition of the carrying trade, which began about 1796, and ended with our war restrictions. The amount of these exports, of articles the growth of foreign countries, shows the extent of the trade which the United States carried on for other nations. In the note below,\* we have given a table of these exports, as compared with the domestic exports, which will show, at once, the fallacy of Mr. Cambreleng's argument. But we have to charge him with a still greater inaccuracy on this point. He would have us believe, that the tonnage of the United States increased from 1789 to 1792 by near 300,000 tons. His misrepresentation in this matter is of an

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\* Statement showing the estimated value of the domestic and foreign merchandise annually exported from the United States to foreign countries.

		Articles the growth, produce, or manufac- ture of the U. States.	Articles of foreign growth, produce, or manufacture.	Total value of exports.
1800	. .	\$31,840,903	\$39,130,877	\$70,971,780
1801	. .	47,473,204	46,642,721	94,115,925
1802	. .	36,708,189	35,774,971	72,483,160
1803	. .	42,205,961	13,594,072	55,800,033
1804	. .	41,467,477	36,231,597	77,699,074
1805	. .	42,387,002	53,179,019	95,566,021
1806	. .	41,253,727	60,283,236	101,536,963
1807	. .	48,699,592	59,643,558	108,343,150
1818	. .	73,854,437	19,426,696	93,281,133
1819	. .	50,976,838	19,165,683	70,142,521
1820	. .	51,683,640	18,008,029	69,691,669
1821	. .	43,671,894	21,302,488	64,974,382
1822	. .	49,874,079	22,286,286	72,160,281
1823	. .	47,155,409	27,543,202	74,699,030
1824	. .	50,649,500	25,337,157	75,986,657
1825	. .	66,944,745	32,590,643	99,535,388
1826	. .	53,055,710	24,539,612	77,595,322
1827	. .	58,921,691	23,403,136	82,324,827

eager and absurd aspect. We are scarcely willing to save his veracity by the sacrifice which it compels us to make of his judgment. In 1789 our registered tonnage, according to Mr. C., was 127,329 tons ; in 1790 it was 354,767 ; an increase in one year of 227,436. Now does not this very increase show, that in the first year of the Government but little more than one third of our existing tonnage had been registered ? Is Mr. C. so infatuated with his own conclusions, as to believe that this increase was *new* tonnage ? The augmentation for the next year was but 8,895 tons, and of the year following, 51,017 tons. Why did not the increase of the next two years hold some proportion to the first ? It is almost incredible that any intelligent writer could make such a mistake. And yet upon this frail foundation Mr. C. has ventured to erect an argument, the import of which is, to charge all men with superficial views of the subject who could not see with his eyes the strength he attaches to so flimsy a statement. The probability is, that the increase of the tonnage, in the first year, was very little above that in the second ; while the enormous and increasing amounts of foreign merchandise exported in American vessels, after 1796, manifest the vigor of the carrying trade, and give Mr. C.'s remote speculations and fantastic notions upon the influence of unrestricted commerce to the winds.

As connected with this error Mr. C. attempts to alarm us with another conclusion : " the mere increase of our foreign tonnage, prior to 1807, exceeds the whole amount of our navigation, now employed in our intercourse between the whole Union and all nations, nearly 150,000 tons"—(page 18).

Although his phrase is ambiguous, Mr. C. means to assert that the increase in our foreign tonnage, in those years, exceeded by 150,000 tons, our present *foreign* tonnage. There is nothing wonderful in the fact if it were true, for if our tonnage had been nothing in the first year of the Government, then its increase in every subsequent year would have been equal to the whole amount of tonnage in that year ; and Mr. C. has lent his aid to make it as near to nothing as he could. It is much

more astonishing that the increase of the tonnage in the first year of the Government, if Mr. C.'s calculation were true, was greater, both in ratio and amount, than it has been in any year since. And yet the chairman has overlooked this singular fact altogether. If he had seen it, he would, at once, have discovered that the returns of 1789 did not show the actual amount of shipping for that year. This however proves nothing, but what never was denied, namely, that our tonnage increased very rapidly up to 1807, and the more rapidly during those years in which we enjoyed our immense neutral trade.

Mr. Cambreleng goes on to tell us, that "while our navigation has remained, *at best, stationary*, that of our rival has advanced, from 1815 to 1827, 761,840 tons;—the mere increase alone in British foreign navigation, amounting nearly to the whole foreign tonnage of the United States"—(page 21). And this, he attributes to the fact "that while Great Britain has retrograded from prohibitory to moderate duties, we have been substituting restrictions for free trade."

If upon an investigation of the fact, it should appear that British navigation so far from increasing has actually declined, and, on the other hand, that our navigation has been thriving, we take it for granted, that Mr. Cambreleng will not object to our making advantage of the principle which he has put to this test, and will be content to allow that this decline, on the one side, and improvement on the other, are the fair and legitimate consequences of that "simultaneous change in the policy of the two nations," to which he refers. We shall hold him to this admission, although we do not bind ourselves to admit what we do not believe—that Great Britain has advanced one step towards a *free-trade* system.

In support of his position Mr. Cambreleng has overwhelmed us with figures. We shall give these an attentive examination, and offer a few of our own in return. To prove that our navigation has remained, *at best, stationary*, he has given us a table of American shipping (registered and enrolled) for each year up to 1828. As his remarks do not apply to the period



up to 1807, we shall confine our view to the tonnage employed in *foreign* trade, since 1815. By Mr. C.'s *own* table, No. 4, —the correctness of which we shall have occasion hereafter to dispute,—it will appear that the average annual tonnage from 1815 to 1820, inclusive, is 783,021 tons, while the annual average from 1821 to 1828, is 836,398 tons ;—an excess of 53,377 tons in favor of each year of the latter period : and of the eight years from 1821 to 1828, inclusive, the increase in the annual average tonnage of the four last years over the four former, are 88,266 tons. This is what Mr. Cambreleng calls remaining *at best, but stationary*.

Mr. Cambreleng, however, has been guilty of a deception, which whether it springs from ignorance or from design, is equally discreditable to his argument. In his note to his table No. 4, he has told us that the registry of tonnage was corrected in 1818. The registry up to that period, contained many vessels that had been lost, rotted away, or sold, and in that year these were ascertained, and a corrected registry was made. This corrected list ought to have been furnished. But Mr. C. chose only to give us the old list with all its errors. The new one would have presented an entirely different case.\* It would have shown a steady increase in the tonnage every

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\* We give this list from Watterston and Van Zandt's tables.

In 1818 the registered tonnage amounted to	606,088 tons
1819 . . . . .	612,930 "
1820 . . . . .	619,047 "
1821 . . . . .	619,896 "
1822 . . . . .	628,150 "
1823 . . . . .	639,920 "
1824 . . . . .	996,672 "
1825 . . . . .	700,788 "
1826 . . . . .	737,978 "
1827 . . . . .	766,903 "
1828 . . . . .	812,619 "

This statement shows an increase of American registered tonnage of 206,531 tons in 11 years. Mr. Cambreleng has asserted, upon the faith of a table that he knew to be untrue, that our tonnage has decreased, since 1819, by 52,781 tons.



year since that period. It will remain for Mr. Cambreleng, and the committee to explain with what views this misrepresentation has been promulgated.

There is a record of the registers granted, and another of the tonnage entering and departing from the United States in each year. If instead of looking at the *registered* tonnage Mr. C. had looked at the tonnage *arriving* and *departing* in the same periods, he would also have found an increase in our navigation. In order therefore to supply what Mr. Cambreleng seems carefully to have concealed, we have annexed a table showing the amount of American tonnage entering and departing from the United States since 1821.\* There having been no note taken of the *departing* tonnage until 1820, we are

\* Table showing the tonnage entering and departing from the United States, and also showing the aggregate of foreign and American tonnage employed in our trade.

	American vessels enter- ing.	American vessels depart- ing.	Foreign vessels enter- ing.	Foreign vessels depart- ing.	Aggregate of Ameri- can & for- eign ves- sels enter- ing	Aggregate of American & foreign ves- sels depart- ing.
1821	765,098	804,947	81,526	83,073	846,624	888,020
1822	787,961	813,748	100,541	97,490	888,502	911,238
1823	775,271	810,761	119,468	119,740	894,739	930,501
1824	850,033	919,278	102,367	102,552	952,400	1,021,830
1825	880,754	960,366	92,927	95,080	973,681	1,055,446
1826	942,206	953,012	105,654	99,417	1,047,860	1,052,429
1827	918,361	980,542	137,589	131,250	1,055,950	1,111,692
1828	868,381	897,404	150,223	151,030	1,018,604	1,048,434
					7,678,360	8,019,690
1800	682,871		122,403		805,274	
1801	849,302		157,270		1,006,572	
1802	798,805		145,519		944,324	
1803	787,424		163,714		951,138	
1804	821,962		122,141		944,103	
1805	922,298		87,842		1,010,130	
1806	1,044,005		90,984		1,134,989	
1807	1,089,876		86,780		1,176,656	
					7,973,206	

The departing tonnage of this latter period is not furnished.

unable to give the comparison in a former period. This statement, however, will manifest what dependence is to be placed upon the assertion that our navigation is, at *the best, but stationary*. In every view it is worthy of remark, that the tonnage has increased in a more rapid ratio since 1824, than before, and in the year 1827 was but little short of the amount employed by the United States in that most prosperous period when we enjoyed, almost exclusively, the commerce of Europe: and showing, we think very conspicuously, how far from hostile the restrictive system has been to our trade.

We have framed the table last referred to, with reference to another view, in which we wish to present this question of commerce and navigation to our readers. Our foreign trade is to be measured by the tonnage employed in its transportation, *whether in our own, or foreign shipping*. We have therefore given the foreign tonnage engaged in American trade and the aggregate of that and our own, from the year 1800 to 1807, and from 1821 to 1828. The whole amount thus employed in the first eight years is 7,973,206 tons. In the latter period it is 7,678,360 tons, both computed of the *tonnage entering*. The aggregate of the *tonnage departing*, during the last period, is 8,019,690 tons. This affords a fair exhibit of the American shipping when engaged under circumstances of the most extraordinary advantage to trade, and subsequently, when it had to contend against a world at peace, and all the competition of foreign nations struggling to gain an ascendancy for their marine. The comparison, certainly, presents any thing but a declining state of trade, and wholly discredits the puerile and melancholy deductions of Mr. Cambreleng. When it is understood further,—what is affirmed upon the most respectable authority,\* that our tonnage, of late years, is rated at less than its actual capacity, from some difference in the mode of

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\* Some intelligent merchants and ship owners have estimated the difference at 40 or 50 per cent., and others still higher. It is said to be not uncommon for a ship rated at 300 tons to carry a cargo of 450, or 500 tons.—*Essex Register*, March, 1830.

constructing our ships, there is ground to believe that our tonnage at this period is even greater in amount than it ever was before.

But it is not to our foreign tonnage alone that we must look to settle this question. Our coasting tonnage is quite as important in our view, in a discussion of the effects of our policy upon our navigation. It is in many respects a more valuable branch of our marine than the former. It is more within our control ; equally good as a nursery for our seamen, and of the most essential benefit in the administration of our manufacturing system at home. We can guard and protect it against outward injury and foster it, when our foreign channels of commerce are cut off.

This tonnage has increased at a steady pace, even when Mr. C. alleges that our foreign tonnage has been declining ; although he would have us believe “ that they uniformly rise and decline together ”—(page 20)—to contradict which assertion we have only to refer to its increase even up to the period of the war.\* It is to be observed in reference to it, that this tonnage, as Mr. Cambreleng’s table No. 4 demonstrates, has increased since the restrictions of 1824 both in a greater ratio and amount than it ever did before. It is peculiarly affected by the protective system, and from its occupation must necessarily thrive with the extension of our manufactures.

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\* In fact the enrollments were more numerous, during the war, than in 1807, as will be seen by reference to Seybert’s Statistics, page 317. We give the entries of those periods :

1807	. . . . .	318,189 tons.
1808	. . . . .	387,684 “
1809	. . . . .	371,500 “
1810	. . . . .	371,114 “
1811	. . . . .	386,258 “
1812	. . . . .	443,180 “
1813	. . . . .	433,404 “
1814	. . . . .	425,713 “

These entries show no fixed proportion whatever with the registered tonnage.

In treating upon this subject, Mr. C. is ludicrously at fault. He is puzzled at every turn with his own documents. Dr. Syntax in search of the picturesque, had not more calls upon his fancy to make up his sketch, than the laboring Atlas of the free-trade trade cause, in this his emergency. But he has a faith that will remove mountains, and a perseverance that is never to be daunted.

He has looked at the thing in every light ; turned the tables upside down ; counted the figures backwards. and tried the question through all the categories. "The tables are all lies," quoth the chairman. "The conclusion cannot be got out *collectivé*—so we will try it *confusé et distributivé*," said he.

Although the returns show an increase, he assures us that, "*unfortunately*, it is only in appearance"—(page 13). We doubt his sincerity in that "*unfortunately*." Right glad would he be if this obstinate coasting trade had never increased a ton ! But we will hear his account of the matter. "It grows out of additions to our territory," and our steamboats on the lakes, the Mississippi, Missouri and Ohio ;" and "out of our coasting trade with Florida and Louisiana." But that does not reduce it enough ; so he gives us a residuary clause to cover the balance,—"*and a portion of it is merely nominal*." Is it not wonderful that our coasting trade should increase with our territory ? And that our tonnage should be enlarged by the coasting trade with Florida and Louisiana ? We are surprised that the learned chairman did not also aver, that it had unfairly increased, with our population. Indeed, he does say as much ;—"a just and accurate statement, if it could be made in 1828 of the tonnage *in the same commercial circle* which existed in 1807, would show an actual decline since the war !" Possibly enough. And carry the calculation a little further,—if it could now be ascertained what had become of our coasting vessels employed in 1807, there is good ground to think that they are all rotten :—a total decline ! It is upon the increase of our *commercial circle*, and our population, and our new business, with the multi-

tude of new matters which make up the political aspect of 1828, that we expected to find an increase of tonnage. But what part of it is *merely nominal*? Mr. C. has attempted, in a note to his table No. 4, to give us some explanation of this—but to us it is utterly unintelligible. It is a round assertion that the tables are not correct: that there are 277,804 tons of the registered shipping of 1828 included in the coasting tonnage; that the registered tonnage was corrected in 1818 and 200,000 tons were struck out of that list; and supposing that the error in the coasting tonnage was only half that amount, then it follows that the whole amount is reduced from 881,605 down to 503,605; and then deduct something else; and then suppose another supposition,—and then—it results, in the grand conclusion, that we have actually less enrolled and licensed tonnage now than we had in 1807. Admirable reasoning! Here let arithmeticians and statesmen come to study the edifying process by which 500,000 tons of substantial shipping paying its yearly stipend to the Government, may be reduced to a fraction below nothing? Here let Congress learn the efficacy of Dr. Doubty's philosophy, and, from this time forward, let no man say "it is, but *it seems* to be!"

Before, however, we bend under this all-prostrating blast of suppositions, we beg to hold some further discourse with the chairman. He affirms that from 1789 to 1807 our coasting tonnage increased 342,573 tons. Upon examining his table No. 4, we find that he states the tonnage of 1789 at 77,669 (which by the by, is obnoxious to the same remark as the *registered* tonnage of that year; namely, that it exhibits not more than one half of the *actual* tonnage, as the return for the next year,—132,123 tons—will show)—while the tonnage of 1807 is set down by him at 360,834. Now the difference between these is 283,165. How does Mr. C. make his 342,573? He does not tell us the process by which this is effective, but he is obviously playing off some arithmetical juggle upon us again, and, what is very remarkable, the same tables which are too good for the era of restrictions, and which exaggerate the state



of things hideously, when they war against his theory, are, really, not bold enough for him to get along with in his free-trade era. Were there no mistakes in the tonnage returns previous to 1807? no registered tonnage ranked in that list? no deductions to be made of any sort? This is a vexatious inquiry, and we would entreat the learned chairman to edify us.

There is one fact that we think ought to have struck even the obtuse prejudices of Mr. C. hard enough to have been felt by him, in making up his calculations. If the mixture of foreign tonnage with the coasting was a matter to disturb the computations for 1828, how does it happen that this tonnage in 1827 was 868,171, and in 1826, 798,815 tons, and why has it gone on regularly increasing every year? This can only be accounted for by the supposition, that in every year the coasting has its due proportion of registered tonnage mixed with it, and, consequently, that circumstance does not effect the *ratio* of the increase. No one has ever supposed that our coasting trade was carried on by vessels which were not sometimes employed in foreign trade, but, undoubtedly, the coasting trade is as vigorous and improving, in one aspect, as in the other. This circumstance might be good to show that the aggregate returns of our coasting and foreign tonnage did not accurately show the number of tons of American shipping, but it can have no sort of bearing on the question of the relative increase of either. When we come to speak of Mr. Cambreleng's views of British navigation we shall show of how little moment he deems this intermingling of coasting and foreign tonnage, where his purpose is to fabricate an argument against us.

There is still another remark to be made upon his statement in reference to this matter. He affects to undervalue the treasury returns of the coasting tonnage at this time, by telling us that when commerce is active, as it was in 1807, "some reliance may be placed on the tables of coasting tonnage; but when trade is dull we know not what portion, of our vessels enrolled and licensed, is actually employed!"—(p. 20). If our trade were *dull* now, how does he account for the rapid



increase, shown by his tables, in this tonnage? This is the very point between us. Whether the tables are true or false, they show an increase, every year, of vessels paying for enrolments, and a greater increase than ever was known before. In the face of this fact will he assure us that the coasting trade is dull? We know it to be untrue, and so does every intelligent merchant in the country.

But we have another reason to impeach the veracity of Mr. Cambreleng's statistics. He has informed us, as we have stated above, that in 1818 the permanent tables of *registered tonnage* were corrected, when an error of 200,000 tons was discovered. And *therefore*, he concludes, but with what reason let the logicians determine—that in 1828 the error is to the same amount. And because the error is the same, at this last period, then there *must be*, at least, half that amount of error in the enrolled tonnage; and therefore again, the sum of enrolled tonnage must be subject to a deduction of 100,000 tons; —*ergo*, the coasting trade is on the wane. We have never seen a more sorry enthymeme! The whole sequence of the syllogism is false.

In the first place, he has given us no proof of his 200,000 tons. If Watterston and Van Zandt's tables, commencing at page 111, give us the corrected list of registered tonnage, then the amount in 1818 was reduced from 755,101 tons to 605,088, the reduction being 149,013 tons: and if that list, continued by them up to 1826, and by the treasury reports to 1828,\* be, as we have no reason to doubt, the corrected record of registry, then in 1828 the true amount of permanent registered tonnage differs from that of Mr. Cambreleng's uncorrected list of that year (824,781) but 12,162 tons: and, of course, he is to apply but 6,081 tons to the coasting tonnage. In the second place, we deny any necessary connection between the errors in the registered tonnage and in the enrolled and licensed: and we say this, because the errors of the latter have been corrected as well as of the former, and

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\* Vide Ante, p. 47, where we have given this list.

will show, upon the same authority quoted by us above, that up to 1828, there was no material difference between the uncorrected list of enrolled and licensed tonnage and the corrected one. In 1826, according to Watterston and Van Zandt, it was but 2,603 tons.\*

We are still, however, at a loss to understand why Mr. C. should resort to the lists of registered or enrolled tonnage to exhibit the state of the navigation, when he had a much more infallible guide before him: unless it be that he found in the obscurity of the first a pretext for indulging in conjectures that better suited the purpose of his argument than the incontrovertible facts of the latter. For, whether the permanent tables of the tonnage be true or false, there can be no uncertainty in the yearly returns of the shipping which enters and departs from the United States. And, as these represent accurately the *number of voyages* made in each year, they furnish the only sure and unquestionable indices of the state of our trade with every quarter of the world. It is because they do so, that we have already given some extracts from them, and we rely upon them, in preference to any other proofs that can be afforded. They exhibit the shipping that pays the tonnage duties and licenses, and, consequently, present the actual employment of our commerce. We hold it therefore a disingenuous thing in Mr. C. to give us what he acknowledges to be an uncertain guide to the state of the commerce of the country, when he had a better one at his disposal. It is cheating us by false tokens: giving the official and authoritative sanction of a grave committee of law-givers to an affirmation that, in its scope and purpose, is absolutely untrue. But Mr. C. is bent upon destroy-

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\* The corrected list of tonnage enrolled and licensed is thus stated in the tables referred to:

1818	618,480	1821	677,137	1824	697,580
1819	647,134	1822	693,415	1825	699,262
1820	660,065	1823	671,765	1826	762,153

This table excludes the tonnage employed in the whale fishery, and from the year 1823, it excludes the steamboat tonnage, which, in 1826, was 34,058 tons.

ing our navigation, and the virtue of the end has cast its proper hue upon the means.

Still, there is but little gained to Mr. Cambreleng's argument, if his statements were open to none of these exceptions : for even admitting that the return of the permanent registered tonnage, or of the enrolled, was defective to the extent that he has alleged, there is nothing in the fact to impair the value of the comparison of our present tonnage, with the tonnage of twenty years ago, as there is no reason afforded us to suppose that the same accidental disturbances did not exist then as fully as at present.

Besides our list of entering and departing tonnage, which we assert to be the best evidence of trade, there is another method of determining the increase, equally as sure, though not as minute ; that is, by an estimate of the *bulk* of our exports. If the *quantities* of products exported have greatly increased since 1818, it follows, that the shipping employed in its transportation must have experienced some commensurate increase. An examination into the quantity of our exports, and especially of cotton, will show that this inducement has been supplied, to a very notable degree, since 1818. Overstocked markets and occasional depressions of trade may have produced some vibrations in the scale, but the permanent and manifold increase of our products, obvious to any one who will take the trouble to examine the numerous treasury returns belonging to this concern, leaves no room to doubt the justice of our position.

We proceed, from this view of our own tonnage, to Mr. Cambreleng's comparison of it with the British. It is as much his purpose to show the ruinous effects of our policy by this contrast, as by the comparison he has made of our present navigation with that of his favorite era of pretended free trade. This has furnished a rich field for his excursive genius. Here he rambles, at pleasure, through his Cimmerian wilds of uncertainty, and expatiates, with the ardor of a gifted spirit of romance, unchecked by the proximity of the depart-

ments, and your scurvy pestilent documents. Here he hopes to indulge in the luxuriance of fabricated vouchers, without the fear of "some damned good natured friend" to tell him of his faults. But let him not deceive himself! We have him in leading strings still; and we shall not be overhasty to be persuaded to let go our hold.

In the course of our remarks on Mr. Cambreleng's estimates of American navigation, we have had occasion to show, that where there were two lists before him, namely,—the *permanent registry* of the tonnage, and the *yearly employment* of it,—finding that the first presented the most unfavorable view of the navigation, he chose to depend upon it, although he was aware of intrinsic defects sufficient to bring it into disrepute—and to pass the other by, as unworthy to be mentioned—seeing that it told a tale not altogether consistent with his theory. The very same thing has happened in Mr. Cambreleng's view of British navigation, and, strange as it may appear, the worthy chairman has made, in this instance, the very opposite choice. In Great Britain there is a list of *tonnage registered*, and also, *annual returns of its employment*, which present much greater diversity in the results than we have been able to discover in the American. It is singular too, that our discriminating advocate of free trade should not have had, in the case of the British tonnage, the same motive to renounce the registered list that he had in the case of our own; for, in the British return there is no room for an error similar to that which was discovered in ours in 1818.\* The British registry contains not only the number of tons, but likewise a specification of the vessels, and the number of seamen employed by them in each year—an advantage that does not belong to our own Treasury reports. The *second return*, of the British shipping is intended to show the number of entrances and departures, and consequently, in this return, the same ship may contribute to swell the list of

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\* The British shipping was registered *de novo* under Mr. Huskisson's late consolidation of the navigation laws, in the 6th George IV.

tonnage by the amount of her frequent entries. Now Mr. Cambreleng has chosen the *second*, because it will make the tonnage appear to the greatest advantage, while he has selected the *first* return of the American, for the converse reason. We have shown, also, that the *departing* tonnage, in this country, is invariably the largest, inasmuch as it embraces all new built vessels which leave our ports and which may be sold abroad. Mr. Cambreleng, perhaps aware of some such advantage on the part of the British, has chosen to bring into the contrast the tonnage *cleared out* from British ports in each year. Thus we stand to be compared : on the American side, the worst aspect in which our tables could present us ; on the British side the very best. Truly, Mr. C. is an able general, and marshals his forces with a considerate eye to his weak points ! He understands the art of putting his best foot foremost. Having thus drawn up his battle, he falls pell mell upon us with all the fury of Friar John of the Funnels upon the Cake bakers of Lerné, and causes us, certainly, a sore dismay.

Now, we do not say that our adversary has not truly stated the amount of British tonnage clearing outwards to all parts of the world ; but we know that the British statements of tonnage clearing outwards in foreign trade, include the clearances to Guernsey, Jersey, Man, Alderney and to all their colonies and possessions abroad, since all these are ranked as foreign ports, and not included in the coasting tonnage,\* and that in all these voyages, most of which are much shorter than a great many of our coasting voyages, the entries are repeated at every trip. We know further, that in the year ending January 5th, 1827, when Mr. Cambreleng states the clearing tonnage to have been 2,676,263 tons, the actual tonnage which cleared outwards from Great Britain and Ireland for foreign nations, was 918,213 tons ; the rest is made up by the

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\* Ireland, until 1823, was regarded in the same point of view—since that period, the intercourse between the two Kingdoms has been included in the coasting trade.



clearances to the possessions above mentioned, of which that to Ireland alone was 760,000.\*

In order to comprehend better the nature of the British registered tonnage by their returns, it must be understood that the laws of Great Britain require all vessels to be registered, except those of a burden less than fifteen tons employed in the river or coast navigation of the Kingdom or the Colonies, and vessels under thirty tons employed in the Newfoundland fishery:† which circumstance, at once, plainly indicates the impossibility of making a fair comparison of the British tonnage with ours by the official returns of the two countries.

By this system of registry, the British list of registered ships comprehends what is equivalent to our shipping employed both in the foreign and the coasting trade, and if it could be ascertained what was the actual amount of American registered and enrolled tonnage, this would be the proper aggregate to compare with the British register list. Such a comparison would show, that at this period we are at no great distance in the rear of our British rivals,—perhaps not 500,000 tons. But our concern, at present, is with the increase or decline of the navigation of Great Britain.

In an essay upon this subject from *Blackwood's Magazine* for September 1828, the writer remarks, in reply to some such argument as Mr. Cambreleng has set up; “It is needless for us to say that the tonnage entries are of no moment, if they be not accompanied by a corresponding increase in the num-

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\* We are indebted for these details to a valuable communication published in the *Essex Register*, March 8, 1830. And they are confirmed by a reference to *Blackwood's Magazine*, 1827, in a review of Mr. Huskisson's speeches on the Shipping Interest of Great Britain.

We perceive that the *Essex Register* is still going on with the subject; and we are quite certain that Mr. Cambreleng is in very good hands. The materials are ample, to show that the report presents the most unwarrantable misrepresentations, both of British and American Shipping.

† Abbot on Shipping, p. 28.

ber of ships and seamen possessed by the country. According to parliamentary papers this country possessed

In 1826	.	.	.	24,625 ships which measured 2,635,644 tons.
In 1827	.	.	.	23,199 " " " 2,460,500 "

Decrease the last year	1,426	.	.	.	175,144	"
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This country possessed

In 1816	.	.	.	25,864 ships	"	"	2,783,940	"
In 1827	.	.	.	23,199	"	"	2,460,500	"

Decrease since 1816	2,665	.	.	.	323,440	"
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The above short statement is quite sufficient to show, that with all the attempts of Mr. Huskisson—and following him, of Mr. Cambreleng—to propagate a belief in the prosperity of British navigation, it has been declining, while ours has gone on multiplying, notwithstanding that “simultaneous change of policy” to which Mr. C. has attributed such melancholy effects. And this exposition enables us to attach a proper value to the fulsome and unmerited encomiums which our worthy chairman has passed upon those “fundamental changes” that “have regenerated the British empire, given a wide range to her commerce, and an active impulse to her power and resources.”

Mr. C. proceeds, very gravely, to tell us, “that the *mere increase*” in the coasting tonnage of Great Britain, “for five years, is *more than equal* to the whole enrolled and licensed tonnage of the United States, whether employed on our coast, on the Mississippi, Missouri, Ohio, on our nothern lakes, or in the fisheries”—(page 22). We say in answer to him, that we have

\* We annex a list of the amount of British shipping, as given in the article above referred to in *Blackwood's Magazine*, 1827, estimated from the public documents of that nation.

1316	No. of ships	25,864	measuring	2,784,940	tons, employing	178,000	men.
1817	"	25,246	"	2,684,986	"	171,013	"
1818	"	25,507	"	2,674,468	"	173,609	"
1819	"	25,482	"	2,666,396	"	174,318	"
1820	"	25,374	"	2,648,593	"	174,514	"
1821	"	25,036	"	2,560,303	"	169,183	"
1822	"	24,642	"	2,519,044	"	166,333	"
1823	"	24,542	"	2,506,760	"	165,474	"
1824	"	24,776	"	2,559,587	"	168,637	"
1825	"	24,280	"	2,553,682	"	166,183	"
1826	"	24,625	"	2,635,644	"	167,536	"
1827	"	23,199	"	2,460,500	"	151,515	"

grounds to believe that the *whole coasting tonnage* of Great Britain—not the *mere increase* of it—*does not equal* the coasting tonnage of the United States. Our coasting tonnage pays for its license once a year, and is reported but once in each year to the Government. The British tonnage is entered at each port in every voyage, and consequently, the same vessel, in its weekly or daily voyages backwards and forwards, adds, at each entry, its full amount of tonnage to the return. “Many of them come with one tide and return with the next.” The comparison, therefore, between the two, is wholly disproportioned. The whole British coasting tonnage has been estimated, in 1827, at about 500,000 tons;\* while ours, according to our Congressional reports, was, in the same year, 873,437 tons—the difference being greatly in our favor. Mr. Cambreleng, with a credulity that sorts well with the complexion of his prejudices, has actually set down the coasting tonnage of Great Britain in 1827, at 8,648,868 tons!—and its increase, in four years, at 1,121,021, tons!! *His* increase of the British foreign tonnage, during the same period, is stated at but 337,467 tons. We are surprised that Mr. C. should not have been admonished by this discrepancy itself, of the enormous mistake he had fallen into. The coasting tonnage of Great Britain increasing in a ratio of more than three to one over the foreign! And the disproportion between the two so exorbitant as eight millions to two!—the *mere increase* of coasting tonnage, in four years, nearly equal to one half of the foreign commercial marine of the most gigantic maritime power on the globe! All this apparent upon the statements of the learned chairman himself;

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\*“If 5000 vessels averaging 100 tons, and five hands make eight voyages each annually, in the coasting trade, they will give 8,000,000 tons of inward tonnage in the general return. They will employ 25,000 seamen.”

“We have been assured by those who are conversant with the subject, that the whole coasting trade does not employ more than 500,000 tons of shipping; looking at the actual number of ships, and excluding their repeated voyages.”—*Blackwood's Magazine*, vol. xxii. n. 140.

and yet not one misgiving of his own conscience to induce a stricter examination. In our own country, he has discovered that the coasting and foreign tonnage hold a close relationship, and that one waits upon the other. But in England, it seems, things are quite the reverse ; the home trade there is worth four times as much to the shipping interest as the foreign. What a commentary upon the value of the protective system ! What a complete overthrow to all the refined speculations about the value of foreign trade, in which our acute system-monger has indulged. Mr. C. is evidently startled at his eight millions of coasting tonnage, and its vast increase in four years. It is almost too much for him. He falls into a speculation how such a thing *could be*—not at all doubting that *it was*—and, therefore, hints, that although this increase is principally owing “to the rapid increase of her navigation in the coasting trade,” yet it was partly owing “to the *inclusion of the Irish tonnage* !”—Yes, Mr. Cambreleng !—and partly to a slight *confusion of ideas*, besides ! The fact is, Mr. C., by too closely following Mr. Huskisson, has got fairly bewildered, and has almost strangled himself with his subject. We have no disposition to press the point further upon him. His ignorance is manifest, and we apprehend no danger whatever from permitting him and his statements henceforth to go at large.

Being aware of the dissimilarity between the British and American systems of recording the tonnage, we do not attempt to institute comparisons founded on the returns of the two countries. The British register list contains both their foreign and coasting tonnage, with the exceptions that we have mentioned before, of vessels under fifteen tons, etc. Our list of *enrolled* tonnage, perhaps, contains some portions of the *registered*, and consequently the aggregate of the two may not fairly represent the amount of tonnage.\* The British returns

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\* Mr. Cambreleng tells us that it contains 277,804 tons. We have no other authority for this fact, and we are therefore obliged to confess our doubts. It may turn out to be like the 200,000 tons error in the registry. Our own opinion is, though we do not speak with

of the employment of their shipping in the coasting trade contain reduplications of the same tonnage at every time it enters or leaves a port of the kingdom. Our returns of the *enrolled* tonnage give no such repetitions ; and consequently there are not sufficient points of resemblance upon which we may compare them with each other. We have, however, the number of British ships and seamen employed in their marine, both coasting and foreign, and the exhibition of this displays an almost uninterrupted decline of British navigation since 1816. Our own returns of registered shipping and of enrolled, together with the returns of the employment of both, show in *each of these departments* a visible increase since 1816, and *particularly since* 1824. The conclusions these documents afford are irresistible. Mr. C. may entertain us with disquisitions upon free trade, and speculate in unauthorized and extravagant suppositions ; he may hunt through the multitudinous varieties of figures, in the reports, to select unfavorable proportions out of them, where by chance he may find, in some distant eras, a few disconnected facts, to give a seeming to his theory ; but he can never persuade us to resist the evidence we have furnished him of the prosperity of our navigation, and the decline of our rival's. Trade may at one period be dull, and at another active—this fact does not alter the gen-

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certainty, that what is returned as the *permanent enrolled tonnage* of each year, contains no part of this registered tonnage, or, if any, a very small one, and, that in some of the numerous aggregates, made up at the Treasury Department, an accurate list of the actual tonnage is exhibited. If this supposition be correct, the present tonnage of the United States is upwards of one million seven hundred thousand tons. (We have not seen the returns of 1829 ; but we are told that they show a still greater increase in the coasting tonnage.) At all events, the returns of the whole tonnage, “rough-hew them how you may”—make what allowance Mr. Cambreleng chooses—show constant and *unequivocal increase in the shipping of the United States*, which is the main point, and may reassure Mr. C., if he be not too far gone in despondency, that our commercial marine, and our “naval ascendancy” are both in very good keeping.



eral result. We do not mean to contend that our navigation is as profitable to us, as it has been, or that our mercantile adventure brings in its former harvest to the country ; but we do contend, that we have bettered it by our system, and saved it from the paralysis to which this ill-begotten madness of free trade might have exposed us. We would now prefer to return to our discriminating tonnage duties, rather than relax them another degree, and we would endeavor to bring about, as much as possible, that kind of free trade, of which we once experienced the benefits—whose characteristic feature was to have the freedom all on our own side, leaving to our antagonists none. We are not afraid of the countervailing policy of our rivals. They will countervail when they can, with very little regard—whatever their admiration may be—to our generosity. Great Britain has steadily met us in this way ever since we became a nation : and her whole object now, in opening the trade of Canada and reducing her duties—let Mr. Huskisson and Mr. Grant, and their ally Mr. Cambreleng, descant upon it as they may—is to vex and embarrass our trade. Their designs are hostile, and should be met as such. The threat to throw in upon us, from Canada, a flood of contraband commerce, is an insolent bravado, which the spirit of our nation should meet as it deserves. If its design be to force us into a system of measures necessary to them, and injurious to our interests, we should treat it as a *defiance*, and let Great Britain know, that, powerful as she may esteem herself, and arrogant as she is, she is, at least, as vulnerable as ourselves. If we mistake not, she has already found the wide frontier of Canada as troublesome to her as it can possibly be to us. We do not speak without warrant when we say that, at this very moment, the American manufactures travel as smoothly across that frontier as the British, and if Mr. Cambreleng desires evidence of the fact he may find it among his own constituents. The opening of the British Northern Colonies is the least of all possible concessions to the spirit of free trade ; it is like other gulls that have de-

ceived our sapient merchant statesmen: it may furnish a text for his preaching, but it will bring upon him the laughter and ridicule of those who have caught him in so feeble a snare. When we broke up the trade of British vessels from the West Indies, this same rival of ours made such another concession to the principle, when she opened the island of Bermuda. Mr. Cambreleng would call this, perhaps, a step in the advance of liberal legislation. It was a countervailing measure of hostile aspect. It did for her what it was intended to do—gave her the carrying of American products destined for the West India market. Its object was protection, not free trade—to expand her own trade by crippling that of her rival. In short, to make the trade free—to herself, but to nobody else.\* We have no reason to expect any other measure of liberality from foreign powers. They are all interested in procuring as much freedom of trade as it is possible to get without reciprocating it—and *our* interest is very much like theirs.

The *eighth* and *tenth* propositions imputed to Mr. Cambreleng, we leave to stand upon their own merits. They are mere assertions inconsistent with all the facts we have exhibited.

We have thus noticed, more minutely than we at first intended, the principal heresies in doctrine, and the gross misstatements of facts, contained in the report. Mr. Cambreleng has copied, almost without the intermixture of an

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\* We have an amusing exposition of this free-trade principle, in one of the resolutions of the *free-trade* Chamber of Commerce in Baltimore, published for the edification of Congress, in March, 1822.

“*Resolved*, As the opinion of this Chamber, that *commerce flourishes most where it is most free*; that the importance and value of the American Commerce will be promoted by allowing our seaports to be made the *dépôt* of all foreign productions, subject, nevertheless, to such duties as the wisdom of Congress may prescribe; and, *Provided*, That no drawback of duties is allowed on exportation by any foreign vessel.” Well done, gentlemen! a fine crank free trade—but somewhat lop-sided.

original idea, his notions, as well as the facts he has brought to illustrate them, from Mr. Huskisson's several speeches in Parliament. Mr. Huskisson has not escaped censure, both in Parliament and out of it, for some disingenuous collocation of facts, and for a studied effort to conceal unfavorable conclusions. We have seen how far his imitator and disciple in this country has been true to the school of his master ; but what in Mr. Huskisson, might be regarded as perhaps a venial duplicity, becomes a reprehensible extravagance in Mr. Cambreleng, because its tendency, if it have any power, is to expose us to all the machinations of our rivals. If British ministers could desire to influence American counsels, for their own advantage, their purpose could not be better accomplished, than by the wrong-headed zeal of our Chairman of the Committee of Commerce. They fear the effect of the American tariff, and are full as importunate in persuading us to forego this system as Mr. Cambreleng. Their urgency in the enterprise betrays their interest—and that alone is a sufficient reason to distrust them. There have been some reductions of duties in England, that, perhaps, were salutary, but we have shown the grounds upon which they have been allowed. The British restrictions, in the mildest shape and most reduced forms, are actually higher protections to industry than our heaviest duties. If what in Great Britain is called the free-trade system had its full sway, still to be on a footing with that nation, and enjoy the benefit of the same policy here, it would be necessary for us rather to *rise* than *fall* in our restrictions ; so different is the posture of the two powers. Our country has attained to a maturity that gives her a command almost over the whole globe ; the other is yet, comparatively, in its infancy, and Mr. Cambreleng would persuade us into an *equal* competition ! It is like a boxer from the training school of Barclay, inviting an unpractised hand into the ring, on equal terms. As it is our destiny to be obliged to contend with this adversary, we claim the privilege of choosing the weapons. The American rifle is a very sure shot, and we

choose to fight with it: our antagonist is likely to be disconcerted by the choice.

There is one portion of Mr. Cambreleng's report which we do not find so much reason to quarrel with. It is the discussion that he has introduced upon the impolicy of taxing the raw material used in our manufactures. Upon this point, the resemblance between our interest and that of Great Britain is sufficiently close to render all that Mr. Huskisson has said, and all that Mr. Cambreleng has repeated in reference to it, fully entitled to our consideration. We think Mr. C. undoubtedly right in his position, that a tax upon the raw material operates as a bounty in favor of the foreign manufacturer, and if we could believe that Mr. C. advocated the repeal of these duties, with a view to the protection of our manufactures, we should hold his zeal in more respect; but regarding it only as a concomitant of his unqualified repeal of all protecting restrictions, we cannot but condemn his principle, along with his motives. We think it rather hard, that the protective system is to be prostrated through this defect—as Mr. Cambreleng well knows, that the advocates of the manufacturing interests of the United States clearly pointed out, in advance, the very evils which form the ground work of his present assault. They foresaw the injury that was about to be done to the interests they sought to protect: but if we mistake not, Mr. Cambreleng himself, and others of his way of thinking, voted for these duties, and enlisted forces to sustain them, with no other purpose than to render the law odious to the people and injurious to the manufacturers. These provisions were forced, therefore, upon the friends of our manufacturers, who had the alternative presented them of no protection at all, or protection encumbered with all the trammels of these premeditated mischiefs. It is therefore, we think, ungracious in Mr. C. to lay these imperfections at the door of the protective system, and much more so to use them—with so exulting a tone of triumph,—as the legitimate issue of a system of policy that not only disclaims,

but absolutely holds them in a common abhorrence with its opponents.

Nothing has struck us more, in the course of our review of the Report, than the almost slavish fidelity with which it has copied its opinions and facts from Mr. Huskisson's speeches, even down to the ridiculous assertion that the free-trade doctrine numbered among its supporters the name of Mr. Pitt, whose whole system of administration was notoriously one of restrictions and protections upon every branch of industry. But it does not often happen that the repetition, by the disciple, of the lecture of his master, should, of itself, import an impeachment of their wisdom. This, however, is the fact, in the present instance. The adoption of Mr. Huskisson's views by Mr. Cambreleng, is an emphatic condemnation of their propriety in English policy. Mr. Huskisson recommends the measure of entering into reciprocity treaties with foreign nations, upon the ground that they will be favorable to the increase of the proportion of British navigation employed in the trade, and illustrates his position by showing, what Mr. Cambreleng has repeated after him, that the quantity of British tonnage employed in the American trade has increased since the Convention of London.\* Mr. Cambreleng, who seems not to be aware that he is on this side of the Atlantic, recommends the same measure in order to *prevent* this increase. Either he or his oracle must be mistaken. We leave them to settle that point between them, and, for ourselves, are content to recommend a

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\* There is some divergence of opinion between Mr. Huskisson and the British writers upon the effect of the reciprocity treaties. They affirm and show by parliamentary returns, in opposition to Mr. H., that the shipping interest of Great Britain has suffered very materially by these treaties; and that the amount of British shipping employed in the trade of foreign countries, on the whole, has diminished. In our trade, we do not deny its increase; Mr. H. attributes this to the Convention of London. If this be true, it is a strong argument in favor of our return to discriminating duties again. We are altogether certain that it has not resulted from the protective system of this country.



reciprocal treaty with all those nations whose navigation is not as vigorous as our own, and to refuse such alliances with powers that are able to navigate on cheaper or more advantageous terms than we do ourselves ; in other words, as we have before declared, to give as much encouragement to our own navigation as we can, and as little as possible to that of our rivals. Every privilege which we can acquire for our shipping abroad, is, in its effect, *protection* and *encouragement*, and therefore enters into our system. Indeed, we are not inclined to dispute with Mr. Cambreleng, that it would be to our advantage to extend this system to all the world, as we believe that we can build and navigate at less expense than any of our commercial rivals, and, consequently, that we should be able to wrest from them the carriage of their own merchandise. We are even willing to reciprocate with Mr. Huskisson, if he will open the ports of Great Britain *completely* to our rivalry—not confining the free trade to articles the growth or manufacture of either country. We opine that in one year we should give the free-trade philosophers of Great Britain a commentary upon their text that they might study to advantage for the rest of their lives. This perfection of the theory, however, does not enter into the views of the British statesmen. They are not willing to go further than to allow each country to carry its own products—thus defining the high-water mark to which the flood of free trade is permitted to rise. We would suggest it to the consideration of the philosophers, whether this also be not an unwarrantable interference with the laws of nature.

We have some complaints to make against the opponents of the tariff system in general. We have to charge them with a want of candid and fair argument of the question. They have never been content to rest their principles upon the proof of facts, but, on the contrary, have exerted all their ingenuity to escape the conviction which daily experience is constantly affording. The report is almost the only document that has been published in the United States, that professes to deal with the subject as one to be adjudged by the present or past histo-

ry of the country. The mode of assault heretofore practised, from which even the report is not altogether free, has consisted rather in awakening the prejudices and alarming the fears of particular interests, than of canvassing principles and discussing the value of passing experiments. The planters of the South have been wrought up into a state of feeling amounting to terror, lest Great Britain, in some vindictive moment, should deny herself the use of American cotton in her manufacture. A vain fear ! Our restrictions have already been in operation for twelve years, and our exports to Great Britain have been continually increasing. If that nation could procure cotton on better terms elsewhere, or cultivate it in her own colonies, she has had every motive to do so. During our war she was obliged to resort to Brazil, to Eygpt, and to the East Indies for her supply. Her demand at that period was entirely sufficient to give a permanent impulse to this cultivation, if these countries had been able to gratify her wants. With the peace, however, she came back to us, and her continuance in our market is nothing less than a vital concern with her—stimulated by no sense of friendship, nor sympathy of kindred, but by that paramount and omnipotent instinct, of interest and necessity, which must endure as long as the South can furnish the product on cheaper terms than the rest of the world—and no longer.

The same species of argument has been directed to all that class of artisans employed in the several branches of ship building. They have been threatened with the loss of their daily bread. We trust that we have sufficiently shown how futile is this threat. Our ship building daily increases, not only for our own service, but for the use of other nations. The tariff, so far from injuring this interest, has had a visible effect upon its prosperity. Our returns, as we have most conclusively proved, show a greater ratio of increase in American built ships since 1824, than before that period.

The same alarmists have attempted to frighten the farming interests, by assuring them of a certain decline in their agri-

cultural products. Our landed proprietors are not so simple as to be deceived by this outcry. They know, from unhappy experience, how completely the foreign demand for the produce of the soil has been closed against them, and they can calculate the benefit, better than we can do it for them, of raising up a market for their commodities at home. It is a plain proposition, level to every man's understanding, that the manufacturer of the fabrics to be used in the country had better be fed by American productions, than by the growth of any other land : and the withdrawal of a large mass of our population from agriculture, to other employments, must operate favorably for those who are still left in possession of the soil.

Loud and melancholy predictions have been made of the failure of the revenue and the necessity of a resort to direct taxation. The treasury, however, thrives amid all these auguries, and the customs continue ample and abundant, fluctuating, it is true, from year to year, but still holding their ground without the prospect of a deficiency. Indeed, it has already become a matter of speculation what we shall do with our surplus funds after we have paid off the debt. We can hardly charge our opponents with the folly of believing that there is, yet, the remotest possibility of a resort to internal taxation : that argument seems to have died at the moment of its birth.

Last of all, with a genuine demagogue spirit, they have appealed to the passions and prejudices of the ignorant, by disseminating an opinion that the protective system is a contrivance to tax the poor man's pittance with no better purpose than to increase the store of the rich. This argument is more than once repeated in the report. We have no design to make a formal refutation of it, but we hold it altogether unworthy of the station and pretensions of the chairman of the Committee of Commerce. It is a wretched theme of the hustings, and never urged but in the presence of the multitude. We do not know a fairer mode of taxation—when taxation is necessary—than that which reaches the commodities in most common use : it is equable and diffusive, and operates in fairer

proportion upon the wealthy than any other ; they have their dependants, correspondent to their affluence, and pay the tax in the same ratio. The laborer avoids its pressure by throwing it into his wages—the employer takes it without the possibility of shifting it upon another.

Such have generally been the topics of alarm insisted upon by the opponents of the protective system ; but they have never before attempted, that we are aware of, to show that their fears have been justified by the results. That enterprise has been left to the Committee of Commerce. With what success the effort has been attended, we leave it to our readers to determine. It has been our aim to show that the public mind has been grossly abused, and we have endeavored to expose the misrepresentations by which the advocates of free trade have attempted to forestall the judgment of the nation, and turn it from its wisest and best designs. Time, which accomplishes all things that are to be accomplished, has already set its seal upon this pernicious abuse, and furnished the most abundant proofs of the incapacity and—if we did not hold the individuals in too much respect, we should say—imbecility of that rash party whose counsels have so long sustained the unhappy warfare of opinion that still agitates the country.

This domestic dissension has enlivened the hopes of our enemies, who are not only anxiously watching the strife, but participating in it by the loud and frequent plaudits with which they cheer up the discomfited champions of free trade both in Congress and out of it. The busy genius of hostile rivals is abroad, and all the appliances that artful rhetoric and counter-acting measures can afford, have been lavished to sustain the banner of opposition against our established, and, we may say, successful policy.

We have never pretended to assert that the prosperity or happiness of the country was concerned in the attempt to build up manufactures uncongenial with our habits, or inapplicable to our local resources.\* Our protective system has been

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\* The *Edinburg Review*, of October last, contains an essay on the

exclusively applied to the encouragement of those branches of industry in which we are able to excel—to which the mineral, animal and vegetable wealth of our soil has invited us, and in reference to which, therefore, we enter upon the career with a certainty before us, that the few years of infant helplessness being overcome, we shall walk into the field of competition with all advantages. The report seems never to have regarded the question in this point of view : it has taken it for granted that the struggle is to be perpetual without an accession of

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French commercial system, the object of which is to show, that the restrictive policy has been hurtful to France, in some of the branches of industry to which it has been applied. It seems that in that Kingdom they have attempted to manufacture iron, with wood for their fuel. Their coal is at a distance, the roads proverbially the worst in Europe, and wood scarce and dear. We are not surprised to learn that, under such circumstances, France cannot rival Great Britain in this manufacture. We think it folly in her to attempt it until she can provide a cheaper fuel. It is, perhaps, an equally unwise attempt in France, to restrict her supply of sugar to the islands of Martinique, Guadaloupe, and the Isles de Bourbon, since they are by no means large enough to supply her wants in this article. These are evidently examples of the impolicy of forcing national industry into channels where, from fixed and natural causes, they can never excel. It is unfair to judge the protective system by such instances. Its advocates here do not predicate its success, under such circumstances. They ask for the national protection for that industry which we possess every means of bringing to perfection.

But there is one thing in the review above cited, worth attending to, and to which we especially invite the notice of Mr. Cambreleng. The Reviewer asserts that the protected commodities in France, with which he finds so much fault, *have all risen enormously in cost to the people*, and this is the foundation of his reproof upon the system. How does it happen that the reduction of prices, from the war rates to the ordinary prices of peace (see Mr. C.'s report, page 5), has not been felt in France? That these restricted commodities have risen there, while ours have fallen?—Simply, because France has *unwisely attempted to force an industry to which her resources were not adapted*; and the United States have applied their means *to the encouragement of an industry to which they were adapted*. There is the difference, and there the mystery of our low prices.



strength or skill ; that practice is to produce no perfection, and science no improvement. Our success, thus far, has most signally refuted this idea. We have not yet entered upon any important manufacture without, in a few years, bringing down the price, and even adding some valuable items to our exports. With such evidences before us, we are astonished at the division of opinion in the country, as to the policy of extending a liberal measure of encouragement and protection to these useful endeavors. We have not been able to discover that any department of industry has suffered by the adoption of the system, while it is evident that the nation has received many present benefits, and laid up a sure and splendid reversion of wealth for ages to come. Her duty is to cherish these attempts by a careful and considerate protection ; “to lift up them that fall, and strengthen such as do stand.” And we do not doubt the speedy approach of that day when the overwhelming opinion of the country at large shall applaud and sustain the protective policy that has now gained its foothold in the public counsels.

It is our own consolation to see the strong safeguard of interest rapidly throwing its arm over every quarter of the country. Manufactures are extending into every State ; and the sensibilities of our southern friends begin to revive from the shock occasioned by the doleful prophecies uttered against their prosperity. To their astonishment they still find a market abroad for their cotton, and a rich one rapidly growing up about them at home : they are not yet stripped of the necessities of life, and even get the essential articles of clothing at a reduction of price that is quite unaccountable. Our population are summoned to new fields of industry and to new sources of profit : and while peace and plenty smile upon us in our pursuits, we are every day contributing to render the nation more independent of foreign supplies of whatever is essential to our comfort and power. We feel assured that under the influence of this system our national difficulties—come when they may, to embroil us with other States—will find us a self-possessed,

vigorous and provided people, ready to make the best of the case and fearless of the event. Our armies will march with the muniments of war abundantly furnished from our own labor, our navy will float upon the ocean dressed in the canvass of the country, and our citizens will await the issue of the strife surrounded with the wealth of their fields, their mines and their factories.

March 15, 1830.

## ADDRESS

OF THE FRIENDS OF DOMESTIC INDUSTRY, ASSEMBLED IN CONVENTION, AT NEW YORK, OCTOBER 26, 1831, TO THE PEOPLE OF THE UNITED STATES. [DRAFTED BY A COMMITTEE OF WHICH MR. KENNEDY OF BALTIMORE AND MR. DULTON OF MASSACHUSETTS WERE MEMBERS.]

FELLOW-CITIZENS :—A numerous delegation from several States in the Union have convened in the city of New York representing great national interests which they are anxious, by the most efficient but peaceable means, to defend and support. In addressing themselves to the people of the United States, they invoke their candid attention to several topics of great national importance, without assuming any authority ultimately to decide them ; conscious that their reasonings and opinions can have, and ought to have, no other influence or force than belongs to their truth and soundness.

A system of laws imposing duties for the encouragement and protection of domestic industry, upon the faith of which a large portion of the people of this country have invested their property and given a new direction to the labor, and with a continuance of which are completely identified all their hopes of maintenance for themselves and their families, has been recently denounced as “distinguished by every characteristic which may define a tyranny the most odious.” The entire abolition of this system, vitally involving the interest of farmers, mechanics, manufacturers, merchants and all the laboring classes, has been demanded in a tone that offers no hope of

condition or compromise. A submission to such a demand, with or without the consent of those who must be the victims, would be marked by such scenes of ruin and despair, as no one, not blinded by the strongest passions of our nature, could witness without compunction.

We address ourselves, then, to the enlightened patriotism of our fellow-citizens in every part of the Union ; and we earnestly entreat them to accompany us in the examination which we propose to make of the arguments and statements recently put forth ; appealing to their clear discernment of truth, their high sense of duty, and their calm moral courage to avert the evils that now seems to threaten the prosperity and peace of the country.

Of these topics, the first in order and the gravest in character, respects the constitutional power of Congress to pass the laws which are the subject of complaint.

As a constitutional question, the inquiry is not whether the laws are wise or unwise, whether in their operations they are always equal, or sometimes unequal, or whether individuals may not think them so wide a departure from a just administration of the powers of the government as to be, in an indefinite and loose sense, inconsistent with the spirit of the constitution. The true and real question is, do they exceed the power of the law-giver ; and do they, for that reason, fail to be obligatory ?

We dissent from the notion that laws plainly unconstitutional may be yet so framed as to escape the animadversion of courts of law. If unconstitutional, their true character will either appear on their face or may be made to appear by stating the facts which fasten that character upon them. And if the motives which are supposed to have influenced Congress in their enactment are not facts which may be properly inquired into to give them this character, the reason is, not that Congress has executed an unlawful power or veiled an unlawful purpose under a general law, but that the general power being given to Congress to pass such laws, the purpose of the law,

like its occasion, its duration, or any other part of its character, is constitutionally referred to the discretion of Congress.

The present constitution has been in operation (with a success not more gratifying to ourselves than surprising to the rest of the world) for forty-two years. Twenty-one different Congresses, regularly elected and appointed by the people, and their agents, and the State Legislatures, have successively assembled to enact laws under its authority. Seven distinguished individuals have been called by the voice of the country to the chair of the chief magistracy, all holding and some of them, on various occasions, having exercised the power of giving a negative to such acts of Congress as, in their opinion, transcended the just limit of legislative authority. During the same period a supreme judicial tribunal has existed, not less distinguished for purity and talent than for dignity and importance, whose high function it properly is to pronounce its solemn judgment on the constitutional extent of the power of Congress whenever any exercise of that power is complained of and the case is brought duly before it. Most of these successive Congresses have passed laws similar in character, in design, and in effect, to the acts now complained of; and all of them have unequivocally sanctioned their principle. All these chief magistrates, in like manner, have, without doubt or hesitation, recognized the existence of the power; and no question of its validity has been raised in the judicial tribunals. It is under this weight of authority, and this length of practice in its favor, and after the investment, upon the faith of it, of a capital probably amounting to two hundred and fifty millions of dollars, that a disposition has now sprung up to deny the power altogether, and to propose, if its exercise be persisted in, a resort to such means of redress as threaten the Union.

We cannot but persuade ourselves that before the American people abandon a system of laws, now of long continuance, passed at different times by the constituted authorities with the full approbation of the whole country; and especially, before they break up their Government and return to a state



of anarchy, on the ground that such laws are unconstitutional, they will give to that question a very careful and serious consideration.

Before proceeding to express the general views entertained on this important subject by the members of this convention, it is not altogether uninteresting to inquire how far admissions or concessions have been made by those who deny the existence of the power, notwithstanding the general and positive terms in which that denial is expressed.

It seems to us, indeed, that the plain object of the constitution, and the strong reason of the case, have driven those who deny the power, even upon their own mistaken view of its source, into the necessity of making admissions which, when made, leave no ground for their argument. They deny that Congress can rightfully lay duties for the sole, or the main purpose, of encouraging manufactures ; but they admit, at the same time, that Congress may lay duties for revenue, and that, in laying such duties, it *may so arrange them as incidentally to give protection to manufactures*. They admit, too, that Congress may lay duties not designed for revenue, *but designed to countervail the injurious regulations of foreign powers*. Are not these concessions inconsistent with the main proposition? How can it be longer denied that Congress may lay duties for protection, after it is conceded that it may arrange duties with that view? It cannot be true that the power was given for revenue only, and that it ought to be strictly confined to that object, and true, also, that, in selecting subjects of duties, regard may be had to a different object.

An individual in society is the consumer of a particular foreign article ; he finds it heavily taxed by duties, while other articles, equally capable of producing revenue, are untaxed. Does it make any difference to him, whether the article necessary to him was seized on, as the main purpose of the law, with the sole object of protection, or whether it was only *incidentally selected* in order to favor the manufacturer, while the commodities consumed by his neighbors, though equally fit

subjects for a tax for revenue, are passed over in this incidental arrangement? Will not every ingenuous mind at once agree that if the power to lay duties was conferred on Congress for the sole purpose of revenue, it is a violation of its trust to mingle any other purpose with that, as much as it would be to substitute an entire new purpose for it? Congress cannot look with one glance to revenue, and the other to protection, if the Constitution limit its power to revenue alone. When it is thus said that protection is a fit object to be regarded *incidentally*, in laying duties, but that the general purpose must still be revenue, who shall inform us how much, in the motives of Congress, must be the main purpose of revenue, and how much may be the incidental purpose of protection? How high may the incidental object rise, and the law be yet constitutional; or at what point will it have approached so near the main, or the only object of the duty, as to render the law void? It may be answered, possibly, that the admission goes no farther than this: that when Congress has already resolved to lay duties, then it may, as a subsequent resolution, resolve to lay them on such a selection of articles as shall best favor manufactures. But would not such a subsequent resolution be wholly aside from the exercise of a mere revenue power? Would it not be a clear imposition of duties for protection? And might it not lead, practically, to the same consequences, since, under this admitted power of selection and arrangement, the whole burden of the Government might be laid with a direct view to protection merely.

The other admission, that is, that Congress may lay duties *to countervail the commercial relations of other States*, seems to us still more decisive. This concedes, at once, that the power to lay duties is not a mere revenue power; for here is one admitted case, in which it may properly be exercised, which has no relation to revenue. Yet this is no particular or specified power. The Constitution no more points out this, as being a proper object, than it points out protection. If it be provided for at all, it is because it is embraced in the general

words of the grant. It is there, or it is nowhere. Laws, laying duties to countervail the regulations of other States, are regulations of trade. They are not only *like* laws of protection, but they are, emphatically, *themselves laws of protection*. They have usually no other end or design than to protect the manufactures or other interests of our own citizens from the effect of unequal competition or monopoly on the part of other nations. Congress, then, upon this admission, may lay duties with the single object of encouraging certain descriptions of domestic employment or industry ; and it remains for those who concede this, and yet deny the general power, to show how it is, that Congress has power, in its discretion, to protect some classes of industry and no power, in the same discretion and by the same means, to protect others. But the admission goes still further. It not only furnishes an analogy for the case in argument, but meets and covers that identical case. The laws so much opposed, and whose constitutional validity is so loudly denied, are themselves no other than so many acts passed *to countervail the injurious commercial regulations of foreign States*.

The United States have not been the first to reject the theory of free trade. They have not introduced into the world new modes of legislation. They have not originated a system of protection ; far otherwise. At the very moment they had succeeded to throw off their colonial bondage and had established their own independence, they found that their condition, so far as respected commerce, agriculture and manufactures, was but partially bettered by the change, because they found the ports of the leading states of Europe shut against their ships and against their products. They offered free trade to all nations ; but the nations, with one accord, rejected their offer. The subjects of other States were protected, as against them, by the laws of other States ; but *they* were protected against nobody. It is undeniably true, that this condition of things was one of the very causes which led to the adoption of the present Government. It is

unquestionable, as matter of historic record, that one strong motive for forming and establishing the present constitution was to organize a Government that should possess the power of countervailing these foreign regulations by adequate measures, and thereby protecting the labor and industry of the people of the country. Countervailing laws were accordingly passed at the very first session of the first Congress ; others have been passed at various times since ; one and all, they partake of the same character ; they are all countervailing laws rendered expedient and necessary by the policy pursued by other nations. The Republic is now composed of thirteen millions of people ; all the principal products of eight or nine of these thirteen millions are, at this moment, shut out from the great market of consumption abroad, either by absolute prohibition or by high duties ; and it is to meet this state of things, it is to countervail these foreign regulations, so injurious to us ; it is to place ourselves on some footing of equality ; it is to rescue the labor of the American people from an inferiority, a subjection, at once dishonorable and burdensome, at once degrading to its character while it increases its toils, that those very laws were originally passed, have all along continued, and now exist. They are, therefore, countervailing laws and no other in every just sense of these terms.

Having made these remarks on what is conceded by those who deny the power of Congress to protect manufactures, and on the effect of that concession, we proceed to present the view which this meeting entertains on the general constitutional question.

By the Constitution Congress has power "to lay and collect taxes, duties, imposts and excises." It has power also "to regulate commerce with foreign nations."

The power to lay duties is accompanied by one express qualification or limitation, which is, "that all duties shall be uniform throughout the United States." The power to regulate commerce has its limitation also, which is, that no regula-

tion of commerce shall give preference to the ports of one State over those of another ; and there is another limitation, which may apply to both clauses, namely, that no export duty shall ever be laid.

Here then is a grant of power in broad and general terms, but with certain specific limitations, carefully expressed. But neither of these limitations applies, in any manner, to that exercise of the power which is now under consideration. Neither of them, nor any other clause or word in the whole Constitution manifests the slightest intention to restrain the words so as to prohibit Congress from laying duties for protection. The attempt is nothing less than to add a restriction which the Constitution has omitted. Who has authority to add this ? If other restrictions had been intended they would have been expressed. When the business of limitation was before the convention what was omitted was as much an exercise of intention as what was expressed. It stated all the restraints on Congress which it intended ; and to impose others now would be, not to interpret the Constitution, but to change it ; not to construe the existing instrument, but to make another.

The words of the grant being general, to lay duties and to regulate commerce, their meaning is to be ascertained by reference to the common use and import of language. No unusual signification is to be given to the terms, either to restrain or enlarge their import. Congress, in its discretion, is to lay duties and to regulate trade for all the objects and purposes for which duties are ordinarily laid and trade ordinarily regulated. If such a thing was never before heard of as laying duties and regulating trade with a view to encourage manufactures, then it might be said that the convention did not contemplate such an exercise of the power by Congress. But it was perfectly known to the convention and to the people of this country that one leading object with all governments, in laying duties and regulating trade, was, and for a long time had been, the encouragement of manufactures.



This was emphatically true of England, whose language the convention spoke and whose legal and legislative phraseology was theirs also. Every leading state of Europe was, at that moment, regulating its commerce for purposes of this nature. Such a purpose, indeed, had been long sought to be accomplished by some of the States themselves, by their own regulations of trade. Massachusetts had attempted it, New York had attempted it, Virginia had attempted it, and we believe other States had done the same. How ineffectual all their attempts were for want of union and a general system, was soon seen and felt by the whole country ; but they show to what ends, and to what uses the power to regulate trade was understood to extend. But not only in other nations, and in the States, before the adoption of the present Constitution, as we shall have occasion to show hereafter, but in the United States since, and in the administration of this very Constitution, regulations of trade have been made, in almost innumerable instances, with no view to revenue, but with a sole and exclusive regard to protection.

If our understanding of the Constitution be not according to its true meaning, that instrument has been grossly violated from the very beginning. What are all the registry acts, what the bounties on the fisheries, but so many avowed efforts to protect American Industry, under the power of regulating trade? On what foundation does the whole system of the coasting trade stand? The American ship-builder and ship-owner has enjoyed, from the first, and we think properly, not only protection in that trade, but the monopoly of it. He shuts out all foreign competition, and he does so on the ground that the public good is promoted by giving him this advantage. We think he is right in asking this, and the Government right in granting it. Yet this is not free trade: it is preference ; it is *protection*, and protection of a manufacture under the power to regulate trade. The laws giving this protection to the manufacture and the use of ships may be wise, and laws protecting other manufactures, may be unwise. But the first cannot be

constitutional and the latter not constitutional. If there be power for one, there is power for both. Both are drawn from the same grant, both operate by the same general means, and both regard the same object, the protection, namely, of American labor and capital against foreign competition. If it be said that the navigation act is founded in national policy and that it is essential to national defence and national independence, we admit it. But we answer, in the first place, that Congress could not exercise a power not granted, merely because it might be useful or necessary: and, in the second place, we say that the same remark is true of the policy of protecting manufactures. That policy, also, is essential to national independence. Iron, hemp and clothing for sailors and soldiers are not less indispensable to national defence than ships and seamen. Not only in the general use of language, then, does the power of laying duties and regulating trade extend to the protection, by the use of such means, of domestic manufactures, but such has been the constant interpretation of the Constitution itself.

We think, indeed, that when a general power is given to Congress by the Constitution of the United States, in plain and unambiguous words, their acts are constitutional and valid if they are within the scope of the granted power; and that, in considering the validity of the law, the motives of the legislature can never be investigated. Having granted the power, with such limits expressed as were thought proper, its exercise, within those limits, is left to the discretion of Congress.

What is the true character of the opposite doctrine? It is, that the constitutionality of a law depends, not on its provisions and enactments, but on the motives of those who passed it. Is not such a notion new? How are we to ascertain the motives of a legislature? By private inquiry; by public examination; by conjecture? The law may be passed on mixed motives: some members voting for revenue; some for protection; or one house may act with one view, and the

other house with another. What will be the character of such a law ?

According to this new theory, if the motives be constitutional then the act is ; if the motives be unconstitutional then the act is unconstitutional also. It follows, therefore, that a law passed by one Congress may be constitutional which, if passed by another, though in the same words, would be unconstitutional. Besides, on this theory a law may be unconstitutional for its omissions as well as its enactments ; because, in laying duties, articles may be omitted as well as articles inserted, from a design to favor manufactures.

We may pursue this inquiry a step further.

In order to ascertain whether an act were passed *primarily* for revenue, the construing power must be authorized to inquire whether that revenue be *necessary*. For if it be conceded that Congress has a constitutional power to raise an indefinite amount of revenue, such a concession will cover any system of imposts that may ever be adopted. The right to raise more revenue than the expenses of government require implies the exercise of a power to tax under circumstances in which the raising of revenue cannot be a primary purpose, but in which a purpose to protect industry or, in other words, what has been called the incidental object, may be rendered, in effect, the principal object of the tax, although veiled under the revenue power. For these reasons we say it follows, as an inevitable consequence, under this view of the source of the protective power, that the constitutionality of any system of imposts, professing to be directed to revenue, must depend upon the fact whether that revenue be *necessary* to the Government or not.

The statement of such a consequence is sufficient to show what endless difficulties must embarrass the operations of the Government in defining the limits of this incidental protection, which has been alleged to be the only protection that the Constitution allows, and of itself affords, what we conceive to be, an unanswerable argument against referring the right to pro-

tect industry exclusively to that clause of the Constitution which authorizes Congress to lay imposts for the purposes of revenue.

To determine whether any proposed amount of revenue be necessary would, in a great number of cases, prove a fruitful source of vexatious and unprofitable controversy. One party, conceiving it wise to improve the face of the territory with expensive roads and canals, to provide fortifications and the munitions of war, and to accumulate treasure in the expectation of national difficulties, would find good reason to maintain that a *large* revenue was indispensable to the nation. With this party a high and burdensome rate of imposts, fully adequate to the most extensive protection of manufactures that has ever been asked for, would be a constitutional application of the revenue power. Another party, more thrifty in their policy, holding that the expenditures of the Government should be graduated to the lowest practicable scale of economy, would contend that nothing should be raised by duties above the ordinary supplies necessary for the pay of the public agents. With this class all the excess, above the sum that they might hold to be necessary, would be the fruit of an unconstitutional tax. Who should judge between these conflicting opinions? If such were the limits upon the power of Congress it would be true, as has been said, that there might be acts in violation of the Constitution which would elude the notice of the judicial tribunals; but the evident absurdity of subjecting the right to exercise fundamental powers to so vague and intangible a standard of interpretation, furnishes one of the most satisfactory proofs that no such intention existed in the minds of those who framed our Constitution.

Pursuing the investigation, it will be found that the difficulty attending this notion of the source of the protecting power does not end with the impracticability of determining upon the *necessity* of revenue. It goes still deeper. It is affirmed, and no doubt with truth, that a reduction of duties upon the necessities or customary luxuries of a nation frequently increases the

revenue. In such an event the defenders of the position that the power of Congress is limited to the supply of a necessary revenue, will find themselves unexpectedly put in possession of a surplus income which, according to the assumed principle, they had no right to raise ; and it will be apparent that the people will be even more taxed than they were before ; for the duty having been rendered productive of a larger amount of revenue to the Government, a greater aggregate sum will have been taken from the pockets of the people ; and it will then be found that Congress, instead of lessening the public burdens by their reduction of duties, will have only been encouraging the consumption of a greater quantity of the taxed article. A large consumption with a small tax being, in this case, more than equivalent to a small consumption with a large tax. And thus, in spite of all the precautions which the most scrupulous guardians of the Constitution may exercise, the public functionaries, against their will and with the most conscientious desire to avoid infractions of the law, will oftentimes be fated to discover that they have produced unconstitutional results. The only remedy for which would seem to be to abandon this intractable mode of taxation by imposts and resort to direct taxes upon the people.

As long, however, as such results may follow the reduction of duties, it will be seen that a system which merely increases the consumption of imported commodities without diminishing the revenue will be, in effect, the adoption of a policy for the encouragement of *foreign industry*. And we might here pause and ask, whether it can be supposed that the founders of our Government intended to give a power to Congress to adopt a scheme of policy directed to the encouragement of *foreign labor* by a scale of low duties, without also allowing to that body a right, when they found it convenient, to encourage *domestic industry* by a higher scale of duties? Let those who answer this question in the affirmative, show some reason for the opinion that the convention which framed the Constitution should set more value upon a power to encourage foreign industry,



under any possible necessity to exercise it, than upon a similar power to encourage and protect our own.

We think we have said enough to indicate the pernicious tendencies of the doctrine, sustained by many eminent citizens of our land, which ascribes the right to protect domestic manufactures, solely to the revenue power conferred by the Constitution upon Congress; and have demonstrated that this error, if adopted, must lead the public functionaries into practical embarrassments entirely irreconcilable with a wholesome administration of the laws.

With a view to show that the protection of manufacturing industry is mainly referrible to the power to regulate commerce, and was intended to be embraced by the clause of the Constitution that invests the supreme legislature with that power, in addition to the suggestions that we have already made, we deem it not unprofitable briefly to recur to the history of the country, from which we shall derive lights that may guide us to the most unerring conclusions in confirmation of our doctrine. The narrative of events from 1783 to 1787, the circumstances attending the adoption of the Constitution and the range of its early operations, while yet in the hands of its authors, afford a mass of testimony that Congress has but responded to the expectations of the country in so regulating trade as to furnish the requisite protection to the expansion and growth of our own labor.

The *regulation of commerce* was not a new term invented by the framers of the Constitution. It was at the time of the adoption of that instrument by the people a term familiar to their apprehension and impressed upon their understandings, by the strongest comments that the history of oppression could furnish. The war of the revolution, that had just closed, sprang out of the conflicts in which this subject had been presented in the countless forms which an engrossing topic of complaint may be supposed to assume in the discussions of an excited and rebelling people. The same subject had been canvassed in the British Parliament until argument and decla-

mation were exhausted. The mother country had regulated the commerce of the colonies, through a series of odious and unfeeling restrictions, for more than a century, until the phrase had acquired the notoriety of a hateful grievance. She had fettered their trade by cruel prohibitions, and controlled their labor by systems of denial that reduced them to the lowest state of suffering ; yet it is remarkable, that, deeming this oppressive policy a lawful exercise of the prerogative of regulating commerce, the colonies submitted to these evils with a resignation that indicated their sense of the duty of obedience to an acknowledged though misused power. All manufactures calculated to bring wealth into the country, were strictly forbidden ; the erection of forges, for example, was denounced as a nuisance, and these establishments were liable to be abated by that name : it was declared unlawful to export the simplest fabrics, even of shoes or hats, from one province to another. Still the people did not deny the legality of these attempts to *regulate commerce*. But when the right was assumed to *collect revenue* in the colonies for the benefit of the mother country, the first assertion of such a principle was met by open rebellion. The distinction was palpable enough, to every man, between these two pretensions of authority. It is worthy of remark, that Lord Chatham, in 1765 in the British House of Commons, distinctly defined the two branches of power in terms that literally apply to the subject we have been discussing, and which show how clearly they were brought to the notice of the country : “ there is a plain distinction,” is his language, “ between taxes levied for the purpose of raising a revenue, and duties imposed *for the regulation of trade*, for the accommodation of the subject ; although in the consequences, *some revenue might incidentally arise from the latter*.” Indeed, the whole tenor of the public discussion on those subjects so rife at that period throughout England and America, furnishes the most conclusive evidence that a specific idea was attached to the phrase incorporated into our Constitution, and that its scope was to include the idea of levying duties

in such a form as to encourage and protect, or, at least to control and direct, the growth of domestic industry.

The complaints against the articles of confederation, for which the Constitution was substituted, embraced, among other things, an objection to the forms by which the legislation in reference to the regulation of commerce was impeded ; and it was a prominent design of the new constitution to remedy this defect. The right to lay even prohibitory duties was freely admitted in the discussions upon the Constitution ; and we may safely affirm that the whole nation, at that day, regarded such a power as one of the necessary conclusions from the grant that had been made. The subsequent action of the Government corroborates this idea. The first approaches of the people to their new rulers were made in behalf of the exercise of a protecting power in favor of their industry. They spoke of the injury they had sustained under the former state of things ; of the ruinous competition to which the policy of the mother country had exposed them ; and demanded the establishment of a system of measures that should accomplish their favorite purpose of creating a vigorous domestic manufacture. The unrestrained admission of British goods had reduced our manufacturers and artisans to absolute want : the free entry of British shipping had expelled our vessels from the ocean. From Charleston to Boston this condition of things was the subject of one loud and continued remonstrance ; and the remedy for it was a prominent object in the establishment of a new general government. The ship-builders and the ship-owners complained that foreign bottoms brought to the country all that was imported, to their ruin ; and they besought their fellow-citizens to join them in measures of protection. The manufacturers and mechanics declared that it was of little importance to them in what bottoms articles were imported, since this unrestricted importation, in whatever bottoms, threatened to reduce them to starvation. Both had applied to their own State governments for redress, but these governments, from want of concert, could give no effectual relief. Attempts had

been made to amend the articles of confederation for the very purpose of conferring this power upon Congress ; but these attempts had failed. Hence it was that the establishment of the present government was hailed with the utmost enthusiasm and celebrated in the principal cities, by all classes, with manifestations of hope and joy.

The earliest legislation of the new government avows and adopts the principle for which we have been contending. The first important act on the statute book contains the following preamble :—"Whereas it is necessary for the support of government and *the encouragement and protection of manufactures* that duties be laid on goods and merchandise."—This preamble was written, supported and passed by those who had come recently from the convention where the Constitution had been formed. They were carrying into effect their own instrument. They seem, indeed,—for preambles are quite unusual,—to have introduced this for the purpose of showing the country that its expectations would be fulfilled, and that the manufactures of the nation would be protected. If, therefore, the existing laws violate the Constitution, the original act violated it. If this charter of right be marred now, it was marred then, and marred by those who made it.

If protection be unconstitutional this law carries unconstitutionality in its front ; and yet not one member of the first Congress appears to have thought it unconstitutional. In the whole course of the debates, protracted through several weeks, no one expressed a doubt of the power of Congress to lay duties for protection ; we may therefore affirm that the power was admitted by all. Some articles were taxed for revenue only ; some for protection only ; and some for both. The published debates show all this, and, as we have already said, every Congress, from that day to this, has recognized the same power. Every president, beginning with him who is justly esteemed the Father of his Country, has sanctioned it, and most of them have recommended its exercise in earnest terms. Indeed, it has been constantly exercised ; protection has been given by the

registry acts ; it has been given by the tonnage duty acts ; it has been given by the acts regulating the coasting trade ; it has been given to the fisheries ; it has been given to the cotton of Carolina ; to the coal of Virginia ; to the hemp of Kentucky ; to the lead of Missouri and Illinois ; to the sugar of Louisiana, to the iron of the middle, western and southern States ; and it has been given to the various artisans, mechanics and manufacturers. It is now forty-two years since this system of protection began, and it has never been intermitted or suspended, with regard to many commodities, for a single hour. Is all this legislation now to be deemed unconstitutional ? Are all these interests to be brought into jeopardy, and perhaps to ruin, upon this modern construction of the Constitution ?

Not only has Congress thus constantly exercised this power, but it has thought itself, from the first, under peculiar obligations to exercise it. It has considered that it would be guilty of a plain breach of duty if it should not exercise it ; and so it was declared in its first session. This policy was more earnestly enforced upon Congress because the States had surrendered their whole power on this question, and were, themselves, prohibited from exercising it by the Constitution itself ; since as they could not, as separate States, exercise it well, it was taken away from them and vested in the national legislature. It was said, therefore, and said truly, that it would be a fraud upon the States, if Congress, now the sole possessor of the power, should refuse to exercise it. The Constitution had declared, that no State should lay any duty except for the mere purpose of enforcing its inspection laws. Is it conceivable, that the people would agree to deprive their own State governments of the power of protecting manufactures, by suitable regulations of trade, without the consent of Congress, for any other reason than because this power was intentionally transferred to the general Government ? The doctrine now advanced, imputes the strangest absurdity, both to the framers of the Constitution and to the people. It supposes them, instead of creating a new remedy for acknowledged evils,



to have forever abolished the poor but only remedy which already existed. It supposes, that instead of giving to Congress, as was their avowed design, effectual power to protect manufactures, they did no more than prohibit the States from exercising that power, and extinguish it as a thing to be deprecated everywhere and altogether. It supposes them to have imposed new shackles on their own limbs, and to have surrendered themselves, thus voluntarily bound, to the mercy of their foreign competitors and rivals. We cannot yield our assent to opinions which ascribe purposes like these, or a policy like this, either to the Convention or to the people.

It only remains for us to add, that the public judgment has, at all times, affirmed the existence of this power, and approved its exercise. Even at this moment, there is no reason to doubt that nine-tenths of all the people hold the power to be constitutional. It is, therefore, not only against the words of the Constitution, against the manifest design of the nation in establishing it, against the uniform sense of Congress in passing laws under it, against the practice of forty years, never stayed nor suspended, against the opinion of every tribunal in the country, as far as we are informed ; but it is also against the entire conviction of a vast majority of the people themselves, that these new and what we think dangerous opinions, are now brought forward as the true doctrines of the Constitution.

It is an error to suppose that the *regulation of commerce* should necessarily imply the denial of a right to restrict, diminish or prohibit any particular branch of it. The *suppression* of any trade, injurious to the community, is as much a national concern, and as valuable an exercise of power, as the *encouragement* of other branches ; and, indeed, in practice it must often occur that the conferring of special advantages upon one branch of trade may operate partially to the disadvantage of all others. Such is often the effect of treaties that reserve to the vessels of particular nations free entry to our ports : the

commerce with such nations is promoted to the diminution of the trade with others not embraced in the privilege. This, however, is a lawful, just and profitable regulation of commerce. Commerce includes all kinds of traffic, whether sustained upon the ocean in ships, or transported on roads, rivers or canals : whether it belong to the system of domestic exchanges, or is conversant with the occupations of foreign countries ; and it is the appropriate function of Congress to regulate it in such manner as their wisdom may dictate, unlimited by any restraints except those which the Constitution imposes on the power over the domestic intercourse of the States. The regulation of our commerce with the Indian tribes has subjected the traffic, from time to time, to all such restrictions as the national legislature found it prudent to adopt ; and yet this right of regulation has passed unquestioned, though it has been directly exercised to the diminution of any species of traffic that has been considered hurtful.

It is nothing more than a regulation of commerce to shape our policy, in reference to our intercourse with foreign nations, by such rules as shall increase the products of our own labor to an amount that may render them also the subjects of a foreign trade, and thereby extend our commerce to new regions, and give it new accumulations of commodities. The agricultural products of a nation are not the only elements of its trade ; its manufactures may be as desirable to foreign communities, and their transportation and exchange may become fully as valuable foundations of a rapid, enlarged and profitable commerce. Why, then, should the power to regulate commerce be supposed to be arrested at that middle point between the prosecution of an old trade and the commencement of a new one that may, eventually, be rendered more expansive, useful and productive than any other ? Such a restraint would seem to be utterly incompatible with the genius and character of any vigorous community, but especially with that of a young and healthy nation.

Before we leave this branch of our inquiry we are anxious

to present the constitutional question in one more point of view. The best expositor of the Constitution is that instrument itself.

The tenth section of the first article of the Constitution provides that "no State shall, *without the consent of Congress*, lay any imposts or duties on imports or exports except what may be absolutely necessary for executing its inspection laws." The limitation which is here set upon the legislation of the States is within the control of Congress. The *consent* of that body releases any State from the restriction expressed in this clause; and consequently Congress may permit either or all of the States, separately, to levy such duties upon imports as they may think convenient: it may allow the State of South Carolina, for example, to enact a tariff of the highest rates of duties, directed exclusively to the protection of any branch of industry they may wish to foster. It will be observed that the terms of this clause of the Constitution absolutely forbid the idea that such a power is to be exercised for revenue. The State that imposes the duty is inhibited from taking the avails into its own treasury, but must pay them over to the general government; while that government, on the other hand, has the fullest power to levy and collect its own revenues, and consequently cannot be presumed to yield its consent to the State enactment upon considerations of that nature. That consent, therefore, is intended to be given, if it be ever asked, from a conviction of the beneficial effect expected to be produced in the State that levies the duty—or in other words, of its value as a protection to State labor. With such a power on the part of Congress to permit a protective system to be enacted in the States severally, it would seem to be a solecism to suppose that the exercise of a similar power was intended to be denied to the national legislature itself to whom has been emphatically entrusted the whole complicated and interesting concern of regulating commerce.

In dismissing this review of the principles and practice of our Government in their relation to an important constitutional

right, we take the occasion to say that we contemplate the character of the present opposition to what we have endeavored to exhibit as the legitimate powers of Congress, with regret: and if we could persuade ourselves that it was destined to command the assent of any large portions of our population, we would say that we view it not without alarm. This opposition appeals not to the discretion of Congress; it seeks no modification, nor qualification, but demands an entire and absolute surrender of the principle. It is for the American people to decide whether this surrender can be made. For ourselves, we do not scruple to declare that, in our opinion, to give up this power would be to give up the Constitution. If Congress be stripped of this prerogative and the restriction against its exercise be still imposed upon the States, it is quite plain to our apprehension, that the doom of our happy and prosperous Constitution is sealed. We consider this question, therefore, as vital; and we look to the perpetuation of the power which we have labored to defend, and its just exercise, to be indispensable to the preservation of that government which has conferred on the people of these States innumerable blessings.

You are next invited to examine the subject in its connection with the principles of an enlightened political economy. The system which we maintain rests upon the following principles:

All the means of human enjoyment, and all the accumulations of wealth, are the product of human labor. National happiness and national wealth are, therefore, promoted in proportion to the active industry of the community; and that industry is in proportion to the inducements to labor, arising from the amount and certainty of its remuneration. The immediate instrument for calling labor into action is capital. Capital is necessary to furnish the laborer with the means of applying his labor to advantage, whether in the simple tools of agriculture and some of the mechanic arts, or in the complicated and expensive machinery applied to certain branches

of manufacture, the modern improvements in which have added so much to the productive power of man.

It is a settled axiom, that the industry of a nation is in proportion to the capital devoted to its maintenance. It is, therefore, thought to be a wise policy to multiply the inducements to apply capital to the employment of labor at home, rather than to the purchase abroad and traffic in commodities of foreign production, by which the capital of the country is made to set in motion foreign labor. This is founded on the principle, universally admitted, that there is, in every nation, a power or capability of labor beyond that actually put forth ; and that its effective industry is proportioned to the stimulus applied in the shape of capital. This constitutes the American System. It invites the application of American capital to stimulate American industry. It imposes a restriction, in the form of an imposed duty, on certain products of *foreign* labor ; but so far as relates to *American* capital, or *American* labor, it simply offers security and inducement to the one, and gives energy and vigor to the other. The purpose of the protective system being thus directed to the utmost expansion of the industry of the nation into every channel of domestic competition, it would seem to be manifestly erroneous to call such a system *restrictive*, inasmuch as the avenues of labor in the internal organization of any community are much more numerous and extensive than those which belong to foreign trade : while, on the other hand, there are no restrictions so severe upon the occupation of our citizens, and none that so irresistibly impel labor into a small number of channels as those that are created by the capital and industry of older nations when concentrated and brought into competition with the capital and industry of a young people in their first attempts to possess themselves of the arts that create and accumulate wealth. A nation that is devoted to agriculture only, and is dependent upon foreign labor for its manufactures, presents the spectacle of a people whose industry is confined to the single occupation of cultivating the soil, and transporting its products abroad, and



is always subject to be disturbed by the policy of those on whom it depends for the purchase of its products: but the same nation, when encouraged in the attempt to supply itself with manufactured fabrics, releases its labor from the restraints of its previous straitened condition, and is seen rapidly diversifying its pursuits until they finally cover the whole space that was originally divided between itself and the people that supplied it with manufactures.

It is true, that a different system of political economy is maintained by a certain school of theoretical writers. It is contended by them, that restriction upon the importation of foreign commodities, under any circumstances, is a mistaken economy; that foreign manufacturers should be allowed freely to bring in their wares, although they will receive from us nothing in exchange but the precious metals. This is the system which has been lately called enlightened. We, on the contrary, believe it to be founded on mistaken views; and that a practical application of it would paralyze the industry of the country. The fundamental principle in this system, is one which we deem totally erroneous. It considers the *profits of capital*, as constituting the only source of national wealth. It assumes the fact, that the wages of labor are barely sufficient to support the laborer, but leave him nothing for accumulation. Now, whether this may or may not be true, in the fully peopled countries of Europe, it is palpable to the slightest observation, that in reference to labor in the United States it is absolutely and totally false. Such is the abundance of the means of subsistence in this favored country, that the laborer is able to accumulate capital out of his surplus earnings. We everywhere see capital accumulating in connection with labor. Labor is not with us, as the theory supposes, the mere instrument of capital, the mere handmaid to furnish the profits of the capitalist; it is, on the contrary, an intelligent, active principle, the partner and sharer in the increase of wealth produced by the united action of both. We have no class in America corresponding with the operatives, the human machines of Europe.

We, therefore, totally deny the correctness of the position, that "the question relates exclusively to the *application* of capital." We deny that "the power of government is limited to its *transfer* from one employment to another." By increasing the stimulus to labor, resulting from the application of capital, to home production, additional capital *can* "be generated by an act of legislation." It is said that this system "oppresses the many for the benefit of the few." We, on the contrary, believe, that while it benefits all, its highest recommendation is found in its beneficial action upon the many—the laboring classes, the workingmen. If there is any one principle in political economy, which is perfectly well established, it is, that the profits of capital, employed in any one branch of industry, cannot, for any length of time, exceed the average rate in other employments ; it being the constant tendency of free competition to equalize profits. It is, therefore, an argument altogether fallacious, to suppose that this system favors capital devoted to one branch of business more than that devoted to another ; or benefits any one class of individuals to the prejudice or exclusion of others.

It is also said, that "it is equally untrue that such a system gives greater employment to labor."

We dissent from this doctrine, and are fortified by the opinion of the author of "The Wealth of Nations," whose language we think it useful to quote ; "The capital of the manufacturer," says this writer, "puts immediately into motion a much greater quantity of productive labor, and adds a much greater value to the land and labor of the society, than an equal capital in the hands of any wholesale merchant." "After agriculture, the capital employed in manufactures puts into motion the greatest quantity of productive labor, and adds the greatest value to the annual produce. That which is employed in the trade of exportation has the least effect of any of the three." "The capital employed in the home trade of any country will generally give encouragement and support to a greater quantity of productive labor, in that country, and increase the value

of its produce more than an equal capital employed in the foreign trade of consumption, and the capital employed in this latter trade has, in both these respects, a still greater advantage over an equal capital employed in the carrying trade." "That part of the capital of any country which is employed in the carrying trade is altogether withdrawn from supporting the productive labor of that particular country to support that of some foreign countries."

In accordance with these positions, we maintain the efficiency of labor to add to the power and riches of a country, against the theories of later writers who attribute every thing to capital. In fact, we consider it the most important and valuable feature in our system, that it tends directly to increase the effective power and remuneration of labor, thus multiplying the means, the comforts and enjoyments, of the laboring classes, and raising them in the scale of civilization and social life. This political effect on the character of society may be considered its highest recommendation. It is thus made to give strength and permanency to our free institutions.

The peculiar advantage of the United States consists in the abundance and cheapness of fertile lands, affording an easy subsistence and high remuneration to labor. We consider the system of establishing manufactures and the arts among us, as distributing and equalizing these peculiar advantages, through all the departments of industry and through all classes of society.

This effect, we believe, to be deducible from the system, according to the most approved principles of political economy. But we consider all speculation on this subject, founded on the ultimate tendencies of human action and the averages of contending principles, as very uncertain guides in legislation, compared to the surer test of experience, and those practical results which are obvious to the senses.

Mistaken and preposterous assumptions of the merits of what is called free trade have, under the ever-active delusion of British influence, afforded pretexts latterly to the opponents

of the protective system, which it is proper to dispel. It is not long since no one believed in the power of propelling boats by steam, and every one believed that the British debt was to be paid off by the sinking fund ;—similar mistakes exist as to free trade. As a municipal principle, there is no question of the great advantages of free trade. The United States, in their coasting trade and domestic exchanges afford the most striking illustrations of them ever witnessed—but, as between foreign nations, there is no free trade—there never was—there never can be. It would contravene the arrangements of Providence, which distribute mankind into different communities, separated originally by confusion of tongues, and prevented from all rushing together into the most favored latitudes, by local attachments and foreign antipathies, which are the germs of national preservation, by means of national emulation.

Much of the suffering which it is alleged is felt in certain portions of the United States (if their complaints have, in fact, any foundation) it is to be attributed to the very circumstance that they are placed in the circle of twenty-four commonwealths, enjoying the most complete freedom of trade, the operation of which has been to expose those who have not the inclination to employ their labor to the full extent of its capacity, to the severe rivalry of more industrious and thrifty communities, living under the protection of the same general government.

Nations are adversary to each other ; their commercial intercourse is regulated by treaties always made with a view to relative advantages, and to provide for those hostilities which are of perpetual recurrence. The vexatious provincial tariffs which formerly fettered intercourse and almost destroyed traffic in the interior of nations, suggested the idea of that free trade, which has since been misunderstood and egregiously misapplied by mere speculative writers. The tariff acts, which even now impose duties on the wines of Spain at provincial borders and on those of France at city gates, are grievances, for which

free trade is a happy substitute ; but the principle is entirely municipal and in no respect applicable, without disadvantage, to independent nations. The vessels of the United States are navigated with fewer hands and make their voyages in shorter periods, than others ; hence, what is called the reciprocity principle, originating in the first treaty between the United States and France, has been wisely proffered by the United States to many other nations, because it is supposed that our navigation would supplant theirs. But the artificial systems of England, France, Spain and the other nations with which the United States have most intercourse, render it extremely improbable that any approximation to the footing of free trade should ever be arranged between them, even by treaty. For us to attempt while they reject it, would be a complete surrender of ourselves as a voluntary sacrifice to the policy and cupidity of foreign governments ; to create a government for the benefit of others and not for ourselves. A tariff of duties on commerce between New York and New Jersey would be as injurious as unconstitutional. Free trade between these States and among all the States of the Union is the main spring of general welfare, and one of the strongest links of the chain that connects them ; but free trade between New York and Liverpool would ruin the farmers of England through our superabundant breadstuffs, and the manufacturers of the United States by the superior capital and proficiency of England in manufactures, and the degraded state of the operatives. An unrestricted intercourse between two nations reduces the labor of one to the same scale of compensation with the labor of the other, and such a consequence is certainly to be deprecated by that nation whose labor stood highest on the scale. This consideration forms a striking argument against the policy of such a system between foreign States. While, on the other hand, it is no less desirable that, among the separate communities associated under the same government, this reduction of the higher labor to the scale of the lower should take place, inasmuch as the interests of these domestic communities are equally



the objects of the protection and solicitude of their common governors.

The freest of free trade is, after all, but a chartered libertine. The United States could not share their coasting trade with England without disadvantage :—the most extravagant advocates of free trade (it is believed) have never yet dreamed of sharing our river trade with foreigners. To throw open the Ohio and Mississippi, the Hudson and the Delaware to British, French and Dutch navigation, would be of no advantage to our own. England could not open her maritime coal trade, the great nursery of her seamen, to the enterprise of New England without losing at least one half of it. She even refuses us a passage through the St. Lawrence, although we own part of that river. The greatest commercial nations of the middle ages, the Hanseatic League, and Holland, the maritime wonder of the world, became such by the exclusive enjoyment of the fisheries and the trade to India and other monopolies, which they maintained at the charge of long and bloody wars—England struck the vital blow at Holland, not so much by naval victories as by her navigation act. The commercial and the military marine of the United States have risen to eminence upon similar interdiction. With free trade we should have neither the one or the other, but be a poor, dependant, pastoral people. It is only about ten years since a project for reducing the duties was first suggested in England, in a petition to Parliament from the merchants and traders of London. In 1825 some slight and cautious reductions were accordingly made, but in nothing to effect the commercial monopoly and maritime ascendancy of Great Britain. Her colonial commerce is mostly exclusive. The freedom of the trade of the Susquehanna river is now in dispute between the States of Maryland, Pennsylvania and New-York. So intractable is free trade in fact, while fruitful of speculation. Within a few years Russia, misled by this delusion, and Holland under the influence of England, made experiments of free trade, which Russia soon found intolerable and abandoned, and which has contributed

to reducing Holland from once being the richest nation of Europe to being one of the most impoverished and indebted. In fine, the dogmas of free trade, which are said to be taught in some colleges, may serve to inflame youthful imaginations, but, as they have never actuated a practical statesman, they can never mislead any well-informed mind. What is called the American System, is the system of Europe ; is the universal system ; and (if the experience and common sense of mankind be any standard of right) is the true and the only system of intercourse among nations.

It is doubtless true, that during the last half century, a more enlightened philosophy has been applied to the affairs of mankind ; that political economy is much better understood, its principles more fully developed, and more judiciously applied. The sense and experience of men had gone far to correct the erroneous legislation of former times, and to develope and multiply the true sources of national wealth. But the modern theory is not content with the attainment of practical benefits merely ; it seeks, by an unqualified application of certain general principles, to produce a thorough revolution in the business of men and the relations of nations. It is against these extremes of visionary good and practical mischief, that we desire all men of reflection and sober judgment to make a stand. We ask them to look at the present condition of our country and to examine the operation of the present system upon all its great interests. Above all, we ask them to look to the practice of all foreign nations, rather than to the speculations of their writers. They will then find that those who have taught us this theory of free trade, are too wise to practise it ; that they continue to act and to legislate upon the system of protecting their own industry, though some of their writers and orators recommend to all other nations to abandon it.

A reference to our own experience is, however, the best criterion by which to test the correctness of the system which we support. It is not new ; the principle was applied, as we have already stated, to our navigation, from the establish-

ment of the Federal Constitution, prohibiting foreign shipping from the coasting trade altogether, and imposing a high discriminating duty on foreign tonnage. If this discrimination has been abandoned, in respect to those nations who would consent to a system of reciprocity, it involves no surrender of the principle. Trade can only be carried on between nations by mutual agreement ; and mutual protection leads to reciprocity as the only equitable arrangement. The mechanic arts have also been the subject of protection from the establishment of the government ; and it cannot be doubted that to this circumstance they owe, in a great measure, their success ; a success which has made the mechanics of the United States one of the main pillars of our national strength. Agriculture has likewise had a full share of the benefit of this protection ; and in truth it may be said, that as our Government commenced its career with the establishment of the germs of the protective system, so it has continued ever since, gradually nurturing and invigorating them until they have reached their present growth. Some interruptions have occurred in the march of this policy, but these interruptions owe their origin to accidental circumstances which dictated the necessity of relaxing the system for the benefit of other interests that were more immediately concerned in availing themselves of the advantages of foreign trade. These, however, are to be regarded not as proofs of the uselessness of the system, but as exceptions growing out of the pressure of temporary accidents. The events that followed the French revolution gave a new and unexpected direction to the enterprise of our citizens. The disturbed state of the continent of Europe, and the prevalence of universal wars throughout the nations of that quarter of the globe, placed the United States in the position of the only neutral among many belligerents, and so obviously opened the way to commercial wealth to our citizens, that all other interests sank into insignificance compared with those which were concerned in pushing a foreign commerce into every region where the strife of the contending parties excluded the competition of the belligerents

themselves, and left to the United States the undisputed monopoly of trade. To this fortunate conjuncture of circumstances is to be ascribed the most rapid growth that has ever been traced in the history of any empire. The United States not only became the medium of the commerce of the world, but their peaceful position attracted the emigration of all those who had the means and the wish to escape from European troubles.

Among the advantages which have resulted to us from this state of things we have suffered one evil, the effect of which is not obliterated, even at this day. Accustomed for twelve or fourteen years to commercial speculations of unparalleled activity and success, we were taught to think that our national prosperity was inseparably connected with the prosecution of that kind of trade in which our citizens had been engaged, and we were thus insensibly educated in the opinion that the great interests of our commonwealth would be always concerned with a foreign commerce exclusively employed in transporting abroad the products of our agriculture and receiving returns in the manufactured commodities of other nations.

There was another circumstance that gave great authority to this delusion. The cotton manufacture of Great Britain was rapidly arising into the greatest activity and vigor. It was in process of time discovered that the raw material for this manufacture could be produced in the United States under more favorable circumstances than in any other part of the world. At first, but two or three of our States were employed in the cultivation, and the demand from England was even greater than the supply. The profits of this cultivation, therefore, were almost unlimited. The portions of territory employed in the growing of cotton were small, and the common opinion was that but few districts, in comparison with the great extent of our surface, could be appropriated to the culture. In the mean time, the cotton fabrics were diffused over Europe and took the place of large quantities of those manufactured from wool, silk and flax. Every year demon-

strated the increasing importance of this manufacture both in Europe and America, and the demand still continued to out-run the supply. These circumstances had their influence in impressing upon our citizens an exaggerated idea of the permanence and value of this source of agricultural wealth, and, along with it, the value of the trade which was concerned in the transportation of it. It persuaded our planters to believe that they possessed an almost inexhaustible source of riches : it unfitted them for sober calculations upon the effects that would follow the extension of the culture of cotton over the fertile regions that yet lay in wilderness behind them : and it equally disinclined them to foresee the possibility of the manufacture itself reaching a term at which it might become stationary and which was, therefore, eventually to set a limit upon the demand, at the very period when the supply would be increased in an almost infinite ratio by the spread of population over other States of our union, even more propitious than their own to the production of the plant. It may, therefore, be considered a misfortune, consequent upon their former prosperity, that our citizens were almost irresistibly led by it into delusive estimates of the true and permanent sources of national wealth. It was one result of this state of things that, while our countrymen were intent upon gathering the harvest which the distracted condition of the world had strewn before them, they were unmindful of the future and neglected to treasure up the elements of strength and prosperity which lay hidden in the bosom of the nation ; and which, as they were independent of foreign legislation or external accidents, were most likely to furnish the means of a stable and enduring happiness.

Troubles soon afterwards broke out at home. A war threatened and our citizens were suddenly called to meet a tremendous emergency. Our commerce was put in fetters by non-importation acts and embargoes ; and the crisis that succeeded found us without the most ordinary resources of an independent people. Our armies went to the frontier clothed



in the fabrics of the enemy ; our munitions of war were gathered as chance supplied them from the four quarters of the earth ; and the whole struggle was marked by the prodigality, waste and privation of a thriftless nation, taken at unawares and challenged to a contest without the necessary armor of a combatant.

When it pleased Heaven to rescue us from the imminent hazard of this doubtful and disproportioned conflict, we saw around us a nation of eight millions of people possessed of a territory nearly equal to the continent of Europe, rich in the ungathered resources of every kind of wealth,—just emerging from a war of two years and a half, with an enemy who had never assembled an army of more than thirty thousand men—and yet deranged in all its channels of industry, exhausted, and on the verge of bankruptcy. Nothing but the most perverse neglect of the fundamental precepts connected with the proper administration of the concerns of a commonwealth could have produced such a result !

These disasters opened our eyes to some important facts. They demonstrated to us the necessity of extending more efficient protection, at least, to those manufactures which were essential to the defence of the nation. They proved to us the value of a national currency, and the duty of protecting it from the influence of foreign disturbance : and among other things of equal moment, they made us acquainted with the fact that the British manufacturers could find a large and, if necessary, a complete supply of cotton from other soils than our own.

All these matters came into review before Congress at the close of the war. A proper occasion for their discussion arose when the question was submitted as to the reduction of the war duties. The return of peace made it necessary for the legislature to take off the taxes that had been imposed for defraying the expenses of the war ; and in this reduction of duties to what it was considered should be a permanent standard, the cotton-planting interest urged with great force

and propriety, the necessity of retaining such a duty as should exclude from the American market all fabrics made from the cotton of the East Indies. It was an anomaly apparent to every citizen of the United States, that our Government, possessing so many facilities for supplying Europe with cotton, should, nevertheless, allow a trade that threw in upon us vast quantities of cotton cloth produced at a distance of ten thousand miles ; that our most common household supplies should be furnished from such a quarter. Nothing was more generally acknowledged than the duty of the Government to protect the cotton grower against such a competition ; and this argument was addressed to the nation by the cotton-growing States, even with the conviction, at that time prevalent among themselves, that its success would be to give them what may be termed a species of monopoly in the supply.

The duty was retained ; and it is important to know that, being designed for the protection of the cotton grower, it was graduated to a scale precisely adequate to that purpose. *His* interest required the exclusion of the East India fabric, but was supposed to be hostile to the attempt of the American citizen to manufacture the material ; the duty, therefore, was adapted to the first purpose, but not to the latter. It banished the foreign manufacture :—it did not protect the home ;—being thus accurately adjusted to the wants and wishes of the planting interest, without professing to serve any other.

This placed our commerce upon the most favorable footing for the cotton grower that could be desired ; and the nation, having thus performed its duty to this valuable interest, turned its attention to other branches of industry.

The Tariff of 1816, it may be remarked, was a measure that met the approbation of the large majority of the people in every section of the Union. No partial nor local considerations were embodied against the operation of either its principles or policy. . The southern States were even more forward than their northern confederates in recommending the policy and defending it in the councils of the nation. By this

tariff various manufactures were attempted to be established in the United States. The want of skill and capital exposed these infant institutions to a fierce and vindictive competition from the manufacturers of Great Britain ; and, in three years, almost every capitalist who had ventured into this field of enterprise was broken up. The heavy loss and distress that visited this endeavor to establish manufactures subsequently urged the subject of more extended protection upon Congress, and the result, after various struggles, close and elaborate inquiry and careful attention to the expanding means of the country, was the establishment of a vigorous system, which has diffused health and strength into the industry of the nation, and added to the wealth of every class of the community.

We ask attention to another topic. Revulsions in trade are unavoidable : the balance of supply and demand cannot always be regulated with precision. There is a tendency, growing out of a prosperous commerce, to push success to an extreme which produces reaction. To these periods of embarrassment, of general stagnation, and severe pressure for money, the United States have been peculiarly subject. We attribute this, in a great measure, to our having depended, in so great a degree for our manufactures, upon the nations of Europe. Importation is induced more frequently by the necessity or hope of the manufacturer to find a market, than by actual reference to the wants or means of the country. A reduction in the prices of exports, following an excessive importation, causes a state of exchange which leads to an exportation of specie ; the moment this exportation touches that portion of the precious metals necessary to sustain the money circulation, the operations of the banks become embarrassed, and distress and dismay are spread through all classes of the community.

We believe that the system which furnishes a nation with manufactures, essential to its daily wants, from its own industry, is the best possible security against violent changes in

its currency :—changes which paralyze all industry, and disturb all trade ; and we therefore submit it to the experience and judgment of the American people whether the protective system is not, in this particular, more advantageous to the country than that which, after deluging our markets with foreign manufactures, draws from us, in return, not a useless commodity, but the instrument by which our exchanges are performed, the very basis of our bank circulation, the essential principle of commercial confidence.

Mistaken opinions in regard to the effect of the tariff upon the prices of commodities used in the United States and upon which the protective system has been brought to bear, have furnished some popular objections against the wisdom of the policy. It has been said that the effect of a duty is necessarily to increase the price of any article upon which it is laid to the full amount of the tax. It would be easy to show, by a minute survey of the whole field of American industry, that, so far from this being true, the invariable operation of the tariff has been to lower the price to the consumer of every article that has been successfully manufactured under the protection. Such a survey would require more detail than the purpose of this address allows, but we propose to examine the operation of the tariff upon some of our most important staples.

In the article of cotton it is admitted that our manufacture has arrived at such perfection in the production of the coarse fabrics, that they are not only furnished at little more than one-half of the cost which the imported articles of the same kind bore a few years ago, but they are produced as cheaply at the present time as our foreign rivals, under all the excitements of American competition, are able to furnish them. They have had a constant and increasing demand for several years for exportation as well as for home consumption. None but the finer qualities are now imported, which are little, if at all affected by the minimum duty. The price of raw cotton has fallen but about a cent a pound within the last four years, while the price of cotton goods—of sheetings, for instance,

of more than three yards to the pound—has fallen nearly four cents a yard within the same period. Satinets, of wool and cotton, are made at less than one-half the price of casimeres, and are more durable. Cotton flannels formerly imported from China at from fifty to sixty cents a yard, are now made, of a better quality, here, at from fifteen to twenty cents. Indeed we might enumerate every species of manufacture in which this material enters as a component part, to show that both in the character of the article and the cheapness of its price, the country has been a great gainer since the enactment of the system that has promoted its fabrication.

To the cotton planters of the United States, the system has undoubtedly yielded the most decisive advantages. It has created a certain and valuable market for about one-fifth of their crop, and it has encouraged the consumption of large quantities of their staple in fabrics to which it never would have been applied, if the manufacture had not been carried on in our own country. The establishment of cotton mills among us has had the most visible tendency to induce our manufacturers to apply cotton to uses which both the policy and the position of foreign manufacturers would have forever forbidden them from adopting. This fact is conspicuously seen in the application of cotton to sail-cloth, and to all those articles of heavy clothing in which it has lately been substituted for wool. It is now manufactured into carpets, blankets, cordage, twine, net-work and a variety of other commodities that may be said to be exclusively of American origin. Cotton being a product of our own soil, we have naturally an interest to extend its application to new uses, above what might be expected from nations who are mere purchasers of the article, and who are as much, if not more, concerned in preserving and promoting the use of wool and hemp in the fabrics to which we have applied our cotton.

Let us next consider the article of iron; and we will introduce the notice of it with a quotation from that masterly report of the first Secretary of the Treasury, which, forty years ago,



recommended prohibitory duties in favor of the manufacturers of this article: "for," says that report, "they are entitled to preeminent rank. None are more essential in their kinds, none so extensive in their uses. They constitute, in whole or in part, the implements or the materials, or both, of almost every useful occupation. Their instrumentality is everywhere conspicuous. It is fortunate for the United States that they have peculiar advantages, for deriving the full benefit, of this most valuable material, and they have every motive to improve it with systematic care. It is to be found in various parts of the United States in great abundance, and of almost every quality; and fuel, the chief instrument in manufacturing it, is both cheap and plenty." This report, which is a treatise on Political Economy, at least equal to any thing that has appeared since its publication, states that the average price of iron before the revolution, was about sixty-four dollars per ton, and that at the time of that report it was about eighty dollars. Soon after it appears to have risen to ninety-five dollars, and in 1814 was as high as one hundred and fifty dollars. After the ineffectual Tariff of 1818, which ruined numbers, induced by its vain protection to make investments in the manufacture of iron, it rose from ninety to one hundred and five dollars per ton. Under the influence of the duties of the acts of 1824 and 1828, it has declined to its present prices of from seventy-five to eighty-five dollars per ton, and there is every reason for the confident belief entertained, that if our own market be protected against the formidable and incessant endeavors of the British manufacturers to control it, the price of iron will, before long, decline to from fifty to sixty dollars per ton. Such is the irrefutable proof of all recent experience. Cut nails, which in 1816 sold for twelve cents per pound, are now sold for less than half that sum, under the permanent security of five cents per pound, which has given our manufacturers their own market. "The United States (says Hamilton's report before mentioned) already in great measure supply themselves with nails. About one million eight hundred thousand pounds of

nails and spikes were imported into the United States, in the course of the year ending the 4th of September 1790. A duty of two cents per pound, would, it is presumable, speedily put an end to so considerable an importation. And it is in every view proper that an end should be put to it.

Bar iron, which sold at Pittsburg in 1829 at \$122, sells there now at \$95. Castings, which were \$63, are now \$50 per ton. Such are the practical results, proving the operation of the tariffs on the market for iron. The duty, by the law of 1816, was so inadequate as to cause nothing but ruin to those concerned, and enhancement of price to the consumer. The act of 1818 was some amelioration; the acts of 1824 and 1828, which increased the duty, decreased the price. Hammered bar iron, under a duty of twenty-two dollars and forty cents a ton, is at a lower price than when under a duty of nine dollars a ton, and improved in quality from five to ten per cent. by the greater care and skill which more extensive investment has naturally created under more certain protection. The efforts of the English manufacturers to destroy the American manufacture of iron, and possess themselves of our market, have occasioned extensive bankruptcies among them in England, and reduced the price of iron considerably below the cost of manufacture; insomuch that a convention of iron manufacturers, recently held there, resolved to reduce the quantity made twenty per cent. throughout the United Kingdoms. With the control of our market they would infallibly regulate both the price and the quantity of the iron in this country—thirty-one establishments of which have appeared in Western Pennsylvania alone, since the last Tariff act.

The influence of protection upon wool, while it has been most beneficial upon the farming States, has had no tendency, that we are aware of, to injure the plantation States. The number of sheep in the United States is computed at about twenty millions; and their increase at about five millions since the act of 1828, which gave a great impulse to the stock. The farmers of Virginia, Pennsylvania, Ohio, New York, and the

other wool-growing States, have an interest in this national property, taken at fifty-five cents per pound, nearly equal to the capital of the plantation States in the cotton crop of this year, reckoning it at thirty millions of dollars. There is no doubt that, within three years to come, the farming capital in wool will be more valuable than the plantation capital in cotton. Without protecting duties American wool would be reduced one-half in quantity and in price. The large flocks which now cover the immense and inexhaustible pastures of the United States, most of them more or less of the fine Spanish breeds, must be again slaughtered, as has been heretofore the case, for want of due protection, and this great capital in fleece sacrificed to that of cotton with enormous loss to one interest, and with no possible advantage to the other. For, like every thing else, woollen goods have fallen from twenty to twenty-five per cent. since the last tariff. The immediate effect of that act, by calling a large number of additional clothiers into active enterprise, was to cause a decline in prices ruinous to many of those before engaged in the occupation. Under the influence of the improvement in the price of wool, woollen manufacturers have rallied again, but, at least as respects them, the charge of monopolizing prices is a cruel mockery. The advantages of the Tariff, in its operation upon wool, have thus far been confined almost exclusively to the farming interest; the manufacturers have yet all their way to win, and the effect of that competition, which is the result of protection, cannot be known until it has had longer time for operation.

The finest cotton and woollen manufactures are not yet much made in the United States, but we may assert, without fear of contradiction, that nine-tenths of the American people, who do not affect foreign luxuries and fashions, may be clothed with woollen, cotton, fur and leather fabrics of their own country, better and cheaper, than either could have been obtained abroad if the tariff had never been enacted. The greatest mistakes prevail in this respect; it is continually said that hats, coats, boots and other articles of dress are dearer here

than elsewhere. Such is not the case with all those who are independent of foreign fashions. Those who enjoy superior wealth and study superior elegance, are at liberty to gratify their caprice, at that additional expense, which such a gratification costs in all countries, in none more than in Great Britain, where the opulent and noble are in the habit of paying more extravagantly for French, Asiatic and other luxuries, than some of our opulent citizens choose to pay, in like manner, for luxuries imported from abroad.

While we assert that it has been the effect of the protective system to benefit the consumers by giving them manufactures cheaper than they had them before, we are willing to admit that prices have had a correspondent fall in the same articles abroad ; but this fall of price abroad has been the result of the competition of American labor. It is impossible to advert to the fact that the United States export to foreign markets six times the quantity of domestic manufactures that they exported in 1820, and at present furnish incomparably the largest share of the home demand, without perceiving the tendency of such a competition to reduce the price of the same articles among all those nations who aim at supplying us.

But we hold it to be a common error to consider the comparative cheapness of the foreign and domestic commodity a test of the value of the system. Even if it were true that the domestic product were not reduced in price, and were to be procured only at a higher cost than the foreign, still the benefit of the system would be found in the fact that it enables the domestic consumer to afford the higher price for the manufacture, and thereby to furnish himself on better terms than he could have done when obliged to depend upon the foreign imported commodity, that, in other words, the increase of price, if it has taken place, cannot be called a tax upon the consumer, if the same system which has increased the price has also increased his means of paying it. That this increased ability to pay has occurred to a most beneficial extent, is evident in the invigorated condition of our agriculture in the last three

or four years, during which period the value of the labor of the farmer, and with it the value of his land, it is well known, has risen some twenty or thirty per cent. This augmentation in the value of agricultural labor and capital can be ascribed to no other cause than to the increase of the manufacturing classes, and to the rapid growth of our home market under the protective system. During this period there have been no wars to create a demand abroad for our grain, but on the contrary, all the producing nations have been exerting their industry to the utmost, and maintaining a rivalry against our own citizens which would have visited them with the most disastrous consequences if they had not found a steady and valuable market at home. The fact, too, that agricultural products have risen while manufactured goods have fallen, furnish the best proofs that the fall of prices are to be mainly attributable to the competition of domestic labor.

The loudest complaints of oppression proceed from the South, particularly from South Carolina ; but that these complaints are not owing to the tariff acts, is unquestionably proved by the fact, that their public press, their memorials to Congress, and other mediums of complaint, were as much burdened with them before those acts, as they have been since. In the acquisition of the extensive and fertile territories annexed to the United States by the purchase of Louisiana, the lands and property of the plantation States could not fail to be depreciated, by a vast accession of lands, at least as fertile, for all similar purposes. But it is inconceivable how a steady market for at least two hundred thousand bales of cotton a year, liable to no fluctuation from foreign influence, can be injurious to the cotton-growing States ; and, certainly, if the inhabitants of the less exuberant and more industrious latitudes of the central and eastern States, were not, from the influence of climate, or some other cause, less liable to excitement and less addicted to complain than their southern brethren, they have had much greater cause for it.

The article of sugar is a production of the planting States



receiving the full benefit of the protecting system. If any application of the system operate as a tax on consumption, it would apply to the duty on sugar. It is true, the cotton planters of South Carolina will not admit that protection to the cultivation of sugar is any offset to their own fancied oppressions ; but it is apparent that the lands and capital, devoted to the cultivation of the sugar cane, are so much of both withdrawn from the cultivation of cotton, relieving that culture from the effect of over production, the only evil which it has any reason to fear.

The breadstuffs, lumber, and nearly all the other staples of all the grain-growing States are excluded from European markets by prohibitory duties. While the export of cotton has quadrupled, that of breadstuffs has diminished in a much greater ratio with relation to the population of the States that produce them. If, instead of spending their time in unavailing complaints, they had not conformed to circumstances, and turned their attention to manufactures, *their* grievances would have been infinitely greater than any of which the southern States have ever complained. Nothing could relieve the farming interests of the middle States but their own manufactures and the manufactures of the eastern States. They alone supply that market which Europe denies. In addition to the incalculable consumption of breadstuffs by the manufacturers of the grain-growing States, what is equivalent to a million of barrels of their breadstuffs is imported every year into the eastern States ; a relief, without which the susceptibility of these States would have been tried to a degree of endurance far beyond that exacted from their brethern of the south. It cannot escape observation, that while their sufferings are announced in most eloquent language, and in unintermitting remonstrance, yet there has been so little specification of the supposed causes, that it is denied by many, among themselves, that they suffer at all. There is even good reason to believe, that within the last five years the interest on planting capital has been more productive to the owner, than

the interest on the same amount of capital employed in manufactures.

The States of New York, Pennsylvania and Ohio invested a capital of enormous amount, which may be reckoned as at least fifty millions, within the last ten years, in what are called internal improvements, canals, railways, and other facilities of transportation. This capital depends entirely upon domestic industry for its fruits. It would be a dead loss to the four millions of people who have expended it, and might as well be abandoned at once, without the protected products of domestic industry for its returns. Foreign commerce can yield it little or no service ; and to destroy those guards which secure to it the home market, would be to render it altogether a useless expenditure. Foreign commerce would in this way lose also one of its most productive resources.

In our review of the operation of the tariff upon the various interests of the several States, it must never be lost sight of, that the one-fifth of the cotton crop which is consumed at home, for which we may estimate the sum paid at six millions of dollars, is, in the course of a very short time, worked up by manufacture to at least thirty millions of dollars, which is the worth of the raw material wrought into the various articles produced by manipulation : thus one-fifth of the crop of cotton manufactured becomes as valuable as the whole cotton crop, in the short space of six months after its purchase ; and in the mean time diffuses competency and comfort among large numbers of the laboring classes of the community.

The policy of the protective system is amply and happily illustrated in the growth and prosperity of the United States. The Union teems with proof of its wisdom. All that Hamilton's masterly report predicted of its benefits, has been unfolded and is progressive beyond the most sanguine anticipation. All the objections refuted in his argument have disappeared in experience. The antagonist of the system not long since declared that it would infallibly diminish, if not destroy the revenue, and compel a resort to loans and taxes for the

support of Government: their present complaint is that the revenue is excessive. Redundant importations, some years ago, imposed the necessity of a loan; the manufacturing establishments now spreading throughout the United States, sustain their agriculture, have revived their commerce, have vastly increased their coasting trade and domestic exchanges, and have mainly contributed to an abundance of the precious metals; they are the stablest pledges of independence and permanent peace, and the most accessible objects of taxation and productive resources in case of need. It was said that high duties would demoralize the commercial character of the United States, and the evils of smuggling are still insisted on and depicted in the most prominent colors. We know of no smuggling; nor do we believe that it exists to any considerable extent. It is true, frauds have been practised upon the revenue laws to a degree that demands the notice of Government; but we are happy to have this opportunity to bear testimony to the high and honorable character of our merchants, and to say that where frauds have been discovered they have had their origin with those who are alien to our clime, our laws, and all the considerations connected with our welfare. They are frauds, that effect, comparatively, but a small portion of that vast amount of labor that owes its support to the protective system.

It was affirmed that this system would undermine commerce and ruin navigation; but they flourish and prosper beyond all expectation. It was to create a moneyed aristocracy: if aristocracy be possible with our institutions, it certainly has not found an abiding-place among manufacturers. It was to inflict a class of paupers upon our population: no such class exists among the industrious. It is still denounced as taxing the many for the benefit of the few: but the many, with the power in their hands to change it, are its sturdy friends and supporters, proving that they, at least, deem themselves gainers by the system; while the few, on the other hand, never cease to tell us of the grievance of being subject to the majority.

A rapid increase of population, dwellings, culture, of the comforts of life and of the value of property, wherever manufactures prevail, bespeak their capacity to diffuse happiness and wealth. The new industry that has been brought into existence has induced the consumption of increased amounts of the productions of the land, and has added to the prosperity of every class of agriculturists. During the last six years ; under the benefit of protection, four hundred sugar plantations have been added to the three hundred previously existing in the State of Louisiana, which now supplies two-thirds of the demand of the whole Union. In the mean time, the price has been continually falling, and there is every reason to believe that, within a short period, besides furnishing the home market, our planters will have a surplus for exportation.

Our warehouses, workshops, and stores, abound with excellent and elegant wares of American fabrication, almost excluding those from abroad. Silver and plated-ware, the richest glassware, porcelain, household furniture and pleasure carriages, every article of woollen and cotton clothing, copper, brass and tin wares, hardwares, arms of all sorts, saddlery, and every thing else made of leather, drugs, paints and oils, tools, utensils, and implements of all sorts, every kind of machinery, from the smallest instrument of cutlery to a steam engine ; nearly every thing that can be made of wood, iron, wool, cotton, glass, furs, the precious metals, whatever ministers to comfort, and most of the luxuries ; all the substantial and ornamental means of habitation, subsistence, transportation by land and water, clothing and defence, are to be seen in every street, of every town, in every stage of process and transition, from the raw materials, which are abundant and excellent, to the removal of the finished article to distant places of purchase. The principle commerce among the several States of the Union is employed in the transportation of domestic manufactures, and managed by domestic exchanges, which have increased above all computation within the last few years. They insure domestic tranquillity, provide for the common defence, and promote

the general welfare, by bonds stronger than any political ties ; infinitely stronger than armies or navies. Protection to these resources is, as it were, the Providence of our political being, ever guarding the industrious citizen, while adding to the nation's wealth. Without that Providence not a laborer, not an artisan, whatever his calling, but would be straightened and brought to ruin. Distress would be intense and universal. Stop the loom and the plough would work in vain ; the ship would be unfreighted, and universal stagnation would succeed to the present healthful activity of our land. Is there an American who would raise his ruthless hand against the system which prevents such a calamity ? who would recolonize his country from an unnatural disgust for its own productions, and morbid preference for those of Europe ? who would bow before the woolsack of England, but spurn the golden fleece of his own soil.

Aversion to manufactures has engendered, of late, bitter local prejudices in parts of those States in which they do not flourish. Not long ago their promotion was in universal favor. When the venerable survivor of the framers of the Constitution took the oath of fidelity to it, on commencing his illustrious presidency, the whole nation thought that he proved his patriotism by being clothed in a suit of American broadcloth. To doubt the constitutionality of protecting manufactures was not then conceived. Even to question the policy of promoting them was limited to very few. The statesmen and the patriots of the south were among the foremost to vindicate both.

The general pacification of 1815 exposed our market to the overwhelming force of English capital and skill, with more fearful odds than we had to contend against in the hostilities then closed with Great Britain. The inflexibility of her restrictive system, and the exuberant resources of our own country for manufactures, alone enabled us to withstand the great influx of her fabrics, and constrained us to protect our market by that system which has led to our present pros-



perity. Is it the cotton-growing States who would subvert this prosperity and lay us once more prostrate before the power of our rival? Those States who, for the article of cotton, enjoyed a duty which did not merely *promote*, but absolutely *created* its culture? a tax upon all the other States, which was represented as a grievance by the report of the Secretary of the Treasury in the very infancy of our Government? a tax which diverted labor and capital into new channels for the exclusive benefit of those States, at the expense of all the rest? a tax which had not the remotest connection with the revenues of the country, but was imposed merely for protection? Is it, above all others, the State of South Carolina that can complain of a protective impost, while she enjoys a heavy duty on indigo, which she has ceased to produce, and which therefore all the manufacturing States pay under circumstances aggravated by the fact that while they are obliged to submit to this tax on an article indispensable to their manufactures, the very State for whose benefit it was imposed, declines to cultivate the article?

By a special resolution of this convention, an inquiry was directed into the moral influence of our manufactures; in compliance with which we feel authorized to say, in a word, that the imputations sometimes cast upon the morals of manufacturing communities have proved, according to the experience of this country, to be without the slightest foundation. On the contrary, it is believed that the moral and religious education of those employed in manufactures is, at least, equal, if not superior, to that of other classes of the community.

In concluding this address we would take occasion to observe that the present posture of the affairs of the United States impress upon us the necessity of declaring what we believe to be the sentiment of the friends of American industry, in reference to a great question which must, in a short time, occupy the attention of Congress. Up to this period, the revenue of the Government has not exceeded its wants. The debt has required a system of duties that would supply at least ten

millions of dollars every year towards its extinguishment. That debt, under the present course of liquidation, will soon cease to exist. The nation will then naturally expect some reduction of duties. Participating in the common feeling on this subject, we cannot close this address without respectfully submitting to public consideration the expediency of applying that reduction to such commodities as are incapable of being brought within the scope of the protective system ; holding it, as we do, to be indispensable to the best interests of the American people that that system should be sustained and preserved, without diminution, in its application to every branch of domestic industry that may be benefited by its influence.

Thus, fellow-citizens, we have submitted to your consideration our views of the construction of the Constitution upon the great question of protection. If it be the true one, you will sanction and sustain it : if it be otherwise, let it be rejected ; for the Constitution is the supreme law.

We have also submitted our view of the true policy of this country. We have stated and urged those principles, on which the system of protection rests, which we believe to be supported by the maxims of a sound philosophy, the experience of mankind and our own. It remains with you to determine, whether that system of protecting your own industry, under which you have long advanced and are now prospering, shall be continued or abandoned ; whether you will hold fast to that which your experience has proved to be good, or yield yourselves the victims of rash and untried theory. That nearly five hundred of your fellow-citizens should convene, from sections of the country more than five hundred miles apart, to consult on these engrossing subjects, is itself an argument of the deep solicitude felt by the country at large in their discussion. To have separated without vindicating them, would have been a desertion of the trust committed to us. Their importance required that fulness of consideration which an enlightened and reflecting people have a right to demand. It

has been our study to adhere to the utmost accuracy in our statement of facts, and to exercise the most perfect candor in our arguments. We therefore invite the strictest scrutiny to what we thus submit ; while we are sensible that, with the advantage of more time than the session of the convention has afforded, it might have been presented in a more finished form. Deeply impressed with the gravity of the subject and the momentous aspect of our national concerns, we trust that our language has never departed from that tone of conciliation which becomes citizens of the same country differing from their brethren upon great questions of national policy.

But let us bear constantly in mind that the union, the happiness, the peace and the power of our beloved country depend on its domestic industry, without which these United States would cease to be an independent nation.

Let those who acknowledge this great bond of union never forget that “united we stand and divided we fall ;” that sugar, and iron, hemp and lead, wool and cotton, and the other productions of our diversified soil, elaborated by our own indefatigable industry, and protected by our own free government, are, in effect, the government that holds us together, and make us one people ; that the home market is the palladium of home itself in all its most endearing and ennobling political and social relations, without which we have no common country, but should be reduced to the condition of dismembered and defenceless provinces. Let it therefore be the instinct of all who acknowledge its cause as their own, to stand together, like the fathers of the revolution ; with no local jealousy, no impolitic preference of one part of our system to another, but maintaining a united and inflexible adherence to the whole.

Spontaneous conventions, like the present, originated our glorious revolution and our admirable Constitution. May the Almighty Power that presided over their deliberations, and that has never yet failed to guard these United States, shed the gracious influence of his protection upon our labors.

## STRICTURES

ON THE LETTER OF CHARLES J. INGERSOLL, ESQ., TOUCHING  
THE RIGHT OF A LEGISLATURE TO REPEAL A CHARTER.  
WITH AN APPENDIX, CONTAINING THE LETTERS OF MR.  
INGERSOLL, OF MR. DALLAS, OF MR. FORWARD, AND OF  
MR. BIDDLE, IN ILLUSTRATION OF THE SUBJECT DISCUSSED.

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"I aver that at this moment there is as sacred a regard for property, as inviolable a security to all the rights of individuals, lower taxes, fewer grievances, less to deplore, and more to admire, in the Constitution of America, than that of any other country under heaven."—*Erskine's Speech on Paine's Trial.*

To the General Assembly of Maryland, the Convention of Pennsylvania, and the Legislatures of the several States of this Union, these strictures are respectfully inscribed by the author.—DEDICATION.

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SIR :—You have been elected a delegate to the Convention of Pennsylvania, to "propose amendments to the Constitution" of that State ; and from a desire to obtain, in advance, an exposition of "your views on the general powers of the Convention, and particularly with reference to the United States Bank, and the question of vested rights," you have been publicly invited, by certain members of your legislature, to communicate your opinions to the world.

Obedient to this call, you have furnished a full, and I have no doubt, a candid statement of the principles by which you are to be guided in the performance of the momentous duty, committed to you by your constituents, as a member of the Convention.

The doctrines you have attempted to maintain in this letter, are interesting to every State in the Union, and to every

citizen of the States. They concern the integrity of American institutions, and have an important relation to the most solemn obligations of national faith. For I do not scruple to say, if these doctrines are adopted and sustained in the great commonwealth of Pennsylvania, the credit of every State in the Union will be more or less shaken and disparaged in the judgment of all other nations. That sure reliance upon the plighted faith of the American republics, which has heretofore been cherished as a sentiment of honor which it would be insult to question, will be abandoned as a deceitful illusion, and our States and citizens will be subjected to the same humiliating suspicions in their dealings with foreign communities, the same precautions against fraud and treachery, which mark the negotiations of the many petty powers whose tricks of policy have rendered them the objects of universal distrust and contempt.

Still, although convinced that even so important an issue as this has been presented by you to the consideration of American citizens, I should not have deemed that a sufficient motive for troubling the public with *my* reflections in answer to your letter. I should have confided the task of disabusing the public mind on these topics, to the many judicious thinkers and enlightened patriots which your own State and city supply; and with yet more content I should have confided it to the wholesome sense of justice which I feel assured will predominate in the Convention itself, to rescue the fame of Pennsylvania from the blot which you would rashly fix upon it. But I have another motive, more domestic in its nature, for noticing your letter. I cannot be blind to the fact, that your opinions on this great question are not the opinions of an isolated individual: they are not the vagaries of *one* eccentric mind, nor engendered in the fantasy of a lonely visionary: no, nor are they destined to flash with a sudden glare, and then become extinct without communicating their fire to any surrounding object. They were, before you announced them, already set down as the principles of a party, the tenets of a



sect ; and they are likely henceforth to be professed by an obsequious troop of disciples. I do not know to what apostle the honor of this new creed is to be ascribed, in what name it is to be glorified,—whether of Matthias or Mormon, of Joanna Southcote or the prophet of unknown tongues,—but I do know that it has its sectaries, its Koran and its priests in Maryland ; and that is my apology to the public for this comment upon your letter.

That letter is dated the 24th of November. It followed one of similar import, though less startling in its assumptions, written by a leader of authority, in your city, and published in July last. In the interval between these two, a revolution was attempted in Maryland, founded on the assertion of congenial doctrines. That revolution has been merely ridiculous. Its authors have worn their cap and bells for a brief space, have played through their shallow harlequinade, and have been summarily consigned, at length, by the mercy of their fellow-citizens, to the moderate punishment of total insignificance. They differ from you in the circumstance that they had not the talent to do harm. In the last stage of this farce, a mock convention was held on the 16th of November, in the city of Baltimore, and here, for the first time, the revolutionists of Maryland caught at the great doctrine for which you are contending. Among their resolves, they insist upon the abrogation of the old, and the establishment of a new constitution of Maryland, which, they assert, *a mere numerical majority* is competent to achieve ; and as one of the predominating features in the new constitution, they require “a limitation and restraint on the powers of the legislature in the future grant of charters.”

This Convention, it is true, did not define what the limitation and restraint on charters were to be ; but the public of Maryland wanted no clue to their determinations on that point, after the publication of Mr. Dallas’s letter, which was received with abundant tokens of gratulation by the reformers and the organ of their opinions in this State.

I have no difficulty in assuring you that, with some laudable exceptions in the persons of a few well-informed gentlemen, you and Mr. Dallas have many very loud, if not very intelligent followers among the new-fashioned and exclusive reformers of Maryland, and that these men will do their best, if they are ever furnished a theatre for such an exploit, to saddle this State with every enormity of radicalism which has been broached, either by yourself or your co-laborer in the field. Therefore, it is that I write.

As I propose to examine the leading doctrines of your argument, and am anxious to do you full justice by attributing to you no more than you have said or designed to infer in your letter, I shall endeavor to avoid mistake on this score by quoting your words, as far as that may be practicable, without too large a drain upon the patience of my readers.

Your proposition or theme is that bank charters, and above all, that the charter of the Bank of the United States, granted last year by the State of Pennsylvania, "may be repealed by act of assembly;" "and such act will not be contrary to the Constitution of the United States."

This doctrine has, at least, the merit of being new. I venture to affirm, that not a reflecting man in the United States has read this proposition without being conscious of some emotion of surprise. To many men, in the present unhappy influence of party, this surprise has been a compound of pleasant feelings, derived, in part, from the satisfaction of a dawning hope that Pennsylvania will yet succeed in strangling "the monster"—and, in part, from seeing *your* name at the foot of the letter which announces it; for they will remember—indeed they will see it in some of the recent daily papers,—that on the 24th of February, 1831, you offered, in the legislature of Pennsylvania, the first resolution, I believe, in this nation, for the renewal of the charter of the late Bank of the United States, in which you declared "that half a century's experience sanctions a bank of the United States as necessary and proper to regulate the value of money, and prevent paper

currency of unequal and depreciated value ;” and they will, at such a crisis as the present, rejoice at your revolt, and the good fortune which has brought you into the Convention, with your now avowed sentiments. Many men, and among these will be found some of your old friends and associates, will experience a still greater surprise, but it will be mingled with regret at the defection from the principles which have rendered our country prosperous, of one from whom they were accustomed to expect better things.

The argument you have offered to sustain your proposition may be analytically stated, as resting upon the truth of the following dogmas, which, with a view to reference, and perspicacity, I have numbered according to the succession in which you have presented them.

1. “That the legislature is empowered to resume a bank charter without judicial proceeding or interposition, or any charge of misconduct in the bank, *whenever the public good requires it.*”

2. That by such resumption “no property is disturbed, no vested interest divested.”

3. That a bank charter is merely “a privilege conferred on a few individuals, *in derogation of common right,*” and “may and should be revoked whenever its public inconvenience is acknowledged.”

4. That this right to repeal a charter of a banking corporation, is not restrained or forbidden by that clause of the Federal Constitution *which prohibits a State from passing any law impairing the obligation of contracts.*

5. That “a bank charter is a grant of privilege and not *property.*”

6. That a grant of privilege, being in derogation of common right, may be resumed without impairing any right of contract.

7. That “it is giving at least force enough to the constitutional interdict when it is construed to prevent laws impairing the obligation of contracts, not only between individuals, but

also *some laws deemed contracts* between States and individuals *such as direct grants of lands.*"

8. "That personal rights, the rights of individual property, and laws concerning them are those alone contemplated by the Constitution."

9. That "there is no *obligation* on a State *not* to resume a privilege granted in derogation of common right."

10. "That the Constitution was not made for privileges, and, in the sense of the Constitution, *there is no contract or obligation when the object is privilege.*"

11. That "when a bonus is paid, it is the price of privilege, and therefore, *perhaps*, restoration of the bonus must accompany resumption of the charter. But it does not follow that *even if there is a species of contract so far as respects the bonus*, that the State is incapacitated from resuming the privilege, on refunding the bonus."

12. That "if it should not refund the bonus, the law of revocation would only *so far* impair the obligation of the contract."

13. That although in the case of the Providence Bank, C. J. Marshall seemingly treats a bank charter as a contract, yet that the decision in that case, which establishes *the right of a State to tax a bank*, demonstrates that a bank charter is not a contract, inasmuch as it is against reason that a State may destroy such a charter, *indirectly through the taxing power*, while it is forbidden to repeal the charter *by its direct action through a law to that end*. And that, in fact, the practical exercise of the power to regulate banks by suppressing small notes, as it is universally adopted throughout the United States, is inconsistent with a denial of the right of total suppression.

14. That the adjudications of the Supreme Court,—in the New Jersey, the Virginia, and Dartmouth College cases,—(the prominent and leading decisions on the clause of the Constitution in question) related to *grants of lands*, and therefore do not touch the case of bank charters. And that these de-

cisions, were, moreover, imperfect, being but partially considered, little argued, and unadvisedly made.

15. That the construction of this clause of the Constitution by Luther Martin and Mr. Madison, repels the interpretation put upon it by the Supreme Court, and confines its operation to contracts relating to "personal security and private rights" and "*obviously excludes from it all incorporated privileges and special immunity.*" And this being "contemporaneous commentary or historical recollection, is of more reliance than literal interpretation."

16. That without reference to the constitutional prohibition "against laws impairing the obligation of contracts, and *looking to the reason of things*, the United States Bank does not hold its charter by contract in the sense of that clause."

17. That the late Bank of the United States was a *public* corporation—and has been so determined by the Supreme Court in the Maryland case, and in the case of the taxing law of Ohio—and, being a *public corporation*, its charter was, consistently with the distinction taken in the Dartmouth College case, at all times liable to the action of the Federal legislature.

18. That the present Bank of the United States incorporated by Pennsylvania, is equally a *public corporation*, and, therefore, is in the same degree obnoxious to the action of the State legislature.

19. That "if the Federal judiciary may bind the State irrevocably and immutably to such a contract, Pennsylvania is no longer a State. All the attributes of sovereignty are gone. The laws of the State are subject to the by-laws of the Bank ; and whether a canal boat shall ply, or a child be educated depends not on the resources or laws of the State, but on the income or dividends of the bank"—the State of Pennsylvania having devoted a part of the bonus to these objects.

20. Finally, you insinuate some doubts, which you call "reasons of a more abstract character," whether any legislature has power "to devolve upon twenty private assignees, for thirty years, the great public trusts annually recurring of sup-



plying the income, supporting the schools and furthering the internal improvements of the State :” and also

“Whether *any* legislatures are under the obligations of contracts, *but such as make them*.

You charge upon the banks of the country a whole Iliad of evils, denominating them “the outlaw barons of the day, with numerous united, well-informed and unscrupulous retainers :” and with all their mischievous propensities and iniquitous doings, of which your catalogue is not scant, you attribute to them privileges and special immunities which you describe as “levers that move the world.” You argue that “to extinguish such privileges cannot divest vested rights, or right of any kind,” and that to secure “property from such depredations on it,” should not “be regarded otherwise than with satisfaction by all those who are anxious for the security of property.”

I think, upon a careful revision of this summary of your argument, you will confess that I have represented it with fidelity, and given it all the advantages which a repetition of your own words, and your own method of collocation of its predominant points can confer upon it : that I have been fair, full, and even literal in this marshalling of your opinions.

In looking back upon these twenty propositions, dogmas, postulates, principles, or whatever else you may choose to call them—in *quo nomine gaudent*—I can lay my hand upon my heart, and with as upright a conviction as has ever broken out in word or feeling against any heresy in conflict with the radical truths of the faith religious, political or moral, in which I was born, educated or have lived, I can say that I do not assent to any one proposition in the whole list—but hold them, all and singular, altogether insufficient. I repudiate them as unsound from head to foot ; as contrary to the simplest principles of policy, good faith and public morals, by which this nation is to win the esteem of the wise and the virtuous ; as repugnant to the earliest inculcations and latest experience by which my judgment has been guided in estimating the value

of republican institutions, or by which my heart has been strengthened in the love of my country. That is a broad renunciation. I wish it were otherwise. I should rejoice to find in this inventory of opinions some few—some *one*—that might give you the benefit of even *an islet of orthodoxy* to stand upon in this waste of heresy and schism. I should then congratulate you upon that small green spot, where sunshine might fall upon your mind and let in the light of heaven.

To sustain the first, second and third of the above propositions, you have begun by presenting us with an outline of the debate in the legislature of Pennsylvania, on the bill for the renewal of the charter of The Bank of North America, in the year 1786. The views of the opponents of the bank, as you have exhibited them, you describe as “resting on principles of right and illustrated by arguments, a departure from which since, has been the source of great evil to the commonwealth :” and you remark of them further, that it is impossible to read them “without being struck by the wisdom and foresight of the forefathers of republicanism.”

I think your eulogy upon these “views” is greatly disproportioned to their deserts. If you have represented them faithfully, they strike me as singularly deficient in the chief qualities which should entitle any opinions to respect. They assert, in nearly the same terms that you have asserted it, that “charters of public corporations (by which they obviously refer to the bank charter), when not found *agreeable to the welfare of the people*, may be taken away by the legislature :” that there was already precedent for such acts in Pennsylvania : that governments, being instituted for the public good, necessarily possess the power of repealing every law inimical to the public safety : that the Government of Pennsylvania being a Democracy, the bank is inconsistent with the bill of rights thereof, which says that government is not instituted for the emolument of any man, family or set of men : that the repeal of a charter takes away none of *the property* of the corporators : that “*as charters are granted by the assembly, they can be revoked*

*in no other way than by the assembly : they cannot be taken away by the courts of justice, as they are given by the legislature."* That, in fact, the legislature has no power "to give monopolies of legal privilege to bestow unequal portions of our inheritance on favorites."

These gentlemen admitted what, in your text, you do not admit, "that charters *are sacred or otherwise*, not because they are granted by legislative or sovereign power, but *according to the objects for which they are granted* ; that if a charter *is given for a monopoly* whereby the natural and legal rights of mankind are invaded, it would be dangerous to hold that it cannot be annulled." This admission concedes more than your argument, by seeming to leave *some charters* inviolate, although the value of the admission is greatly abated by the declaration *that a bank charter is necessarily a monopoly*. The same gentlemen are more liberal than you in another point: they inferentially yield the question *that a bank charter is a contract*, when they contend, in reference to the repeal they were debating, that "if charters cannot be repealed *because they are contracts*, it affords a great invitation to fraud." We are at liberty to presume, from your repetition of some of these arguments, and from the approbation with which you quote the whole of them, that you now adopt them as your own.

There is an allowance to be made for the legislators of 1786 which cannot be extended to you. They had a young nation to deal with, and many lessons to learn. The theory of government and the determination of the limits of State power, have been much discussed and wisely considered since that era. It is no reproach to the men of that day, nor compliment to those of the present, to say that the constitutional landmarks of sovereignty are better defined and understood by our generation than by its forefathers. And it may excite no special wonder that in the infancy of our republics much confusion and uncertainty should exist on these intricate and perplexing questions. But, above all, it is due to the legislature whose opinions you have cited, to remember that when the charter of

the Bank of North America was in debate, there was no Constitution of the United States to warn them of the limit of their authority touching a contemplated act "to impair the obligation of a contract." Indeed they do not seem to have dwelt with any marked emphasis upon that great fundamental principle which lies at the bottom of the whole controversy—how far, namely, the solemn pledge of the faith of the State is binding upon the party by whom it is given.

I cannot but observe that in this debate, as in your argument, much use is made of that mysterious claptrap of the demagogue, THE PUBLIC GOOD—that retreating point which every quacksalver in politics has fallen back upon ever since the days of Jack Cade. It is a word of might: an incantation sometimes, which summons up the "black spirits and white, the blue spirits and gray," and surrounds the necromancer with his appropriate household troops. But sometimes it is a *mere word*—"a spell o'erspent." What is the *public good*? Is it a boon which is gained by pandering to the passions of the day, and by pulling down, on the instant, what an artificially-excited popular indignation may doom to the sacrifice; by uprooting old institutions, and desecrating the customs of the sober and peaceful portions of the community? Does it consist in violating the promise of yesterday, because the folly of to-day is displeased with it? Is it to be found in the crusade against the rights of property, and the accumulations of industry; in the overthrow of the weak by the tempest of numbers; the rallying of bands under the watch-word of party, to humble, degrade, and trample in the dust those who have provoked the envy and incurred the hate of eager innovators? Is it, without deliberation, judgment and forecast, without gentleness of action and well weighing of the conclusion, to drive out from the breasts of men, the opinions, usages, the very instincts of preservation and prosperity, the elemental endoctrinations, the primary morals, in which they have been nurtured, and by which they are bound in society?

Or is it not the opposite of these? Does it not rest more

safely in teaching the people to hold their individual and collective honor as a pearl above all price ; to carry into the concerns of society the morality which dignifies the man ; to suffer patiently the privations of the present, that they may reap the blessings of the future ; to build up their renown upon the scrupulous redemption of every pledge, without equivocation, quibble or mental reserve ; to value the good opinion of mankind at home and abroad, as a treasure surpassing all passion indulged, all gain or emolument ? Is it not achieved by deciding, in doubtful cases, in favor of faith, forbearance and toleration, rather than tempting the rash experiment of ambiguous right with its destructive results ? I feel assured that your "forefathers of republicanism," long before they departed from this sphere, if they do not yet survive, were sufficiently convinced that *the public good* of Pennsylvania, as they fancied it in '86, had but little concern with the licentious victory which they accomplished on that occasion. The prosperity of the glorious commonwealth in which you inhabit, and its miraculous growth in the plentitude of art and power, tell how falsely these early champions of violated faith have pictured *the public good*. But one year rolled by, before the instinctive wisdom of the State repaired the wreck of this heady onslaught, and gave back to your city the Bank of North America, whose monument yet proudly lives to admonish and instruct you, in your daily walks, that the *public good* and the *public honor* are twin sisters, inseparably united in that harmony "where either they must live, or bear no life." The lapse of an equal space hereafter, will condemn *your* theory of the public good to the same censure, and the next generation will witness still prouder, nobler, and more enduring monuments of the wisdom and intelligence of Pennsylvania, as manifested in the act which has now secured to her the Bank of the United States.

I refuse to dwell in this place upon the arguments of your early legislature, in support of the right to resume the charter, because I shall have occasion to meet them in what I have to say in reply to your views upon the same subject. I will, for



the present, therefore, dismiss them with a few words. They deal in inapplicable generalities, when they assert the right of the legislature to repeal laws "inimical to the public safety ;" equally so, when they affirm that " Pennsylvania is a Democracy," and that " the bank is inconsistent with the bill of rights" which denies that government is instituted " for the emolument of any man, family or set of men." They beg the question, when they allege that the repeal of a charter takes away none of *the property* of the corporators. They are greatly in error when they call a bank charter necessarily a *monopoly*. And they strangely contradict the universal, approved, undisputed, earliest and latest judgment of all England from whom we have derived our laws, and of all America, where these laws are received or imitated, when they pretend that " as charters are granted by the assembly they can be revoked in no other way than by the assembly," and that " they cannot be taken away by the courts of justice." To my mind, the uttering of such immature and inconsiderate assertions, deprive these authorities of any respectable claim to serious argument. I leave them to the refutation which they must surely find in the judgment of every intelligent reader, and to the charitable extenuation due to the period at which they were pronounced.

Your next resource, in the way of authority, is singularly unfortunate. With more research than discretion, you have referred to the debate in the British parliament on the celebrated India bill of Mr. Fox. The coincidence is somewhat remarkable, that you should have pointed to an event and cited the arguments which were concerned with the most honorable impulse of indignant humanity,—the most elevated and generous anger of offended justice—that ever warmed the bosoms of a great nation, and turned all hearts to the duties of benevolence,—and that you should have made use of this splendid precedent, to aid you in an attempt to accomplish what the world will call,—but which, from the respect I bear you, I will not—a design of unexampled perfidy. The two cases have no resemblance in any point, except in the

magnitude of the object. They stand as alpha and omega,—wide apart as “from China to Peru ;” they are antipodes, zenith and nadir ; the one was the honor of Britain, the other, in my judgment, would be the disgrace of America.

I would remind you, that you have cited this debate to prove your proposition that “a legislature may resume a bank charter, without judicial proceeding or interposition, *or any charge of misconduct in the bank*, whenever the public good requires it.” And your purpose is to infer from the language of Mr. Fox and Mr. Burke, that such was the doctrine approved by the wisest statesmen of England, in 1784. To make good this inference, you have extracted liberally from the speeches of these gentlemen, to whom you pay no less a tribute of praise than they deserve ; and, in conclusion (having, of course, reference to your desired repeal of the bank charter), you exclaim with the fervor of conviction and triumph which their eloquence seems to have inspired, “we republicans should be degenerate offspring of the English whigs, if we refrain from dealing *radically* (an ominous word !) with such vested rights.”

Now, let me state the case of the British India Bill, and we shall be enabled to decide how far it may serve as a precedent for the Pennsylvania Convention. In your extracts from the speeches of Fox and Burke, you have left off where you should have begun ; you have culled propositions, and forestalled conclusions by silence ; you have taken out a brick from the building to lead your reader to believe that the edifice was of brick, when, in truth, it was of marble. I will not say you were disingenuous, because I perceive that your mind was heated with a foregone zeal for one doctrine, which prevented you from seeing any thing that contradicted it.

First, let it be remembered that the charter of the India Company was a *great political charter*. It conferred empire, supreme dominion, absolute political sway, over thirty millions of people. It granted entire monopoly, exclusive and unbounded control over a continent. It was interwoven with the

political power of England, and was the partner, ally and stipendiary of the domestic government. It possessed fleets and armies, made war and peace, and administered justice in the highest matters of life, liberty and property, under the sanction of its tremendous chartered powers. It had flagitiously and enormously abused these powers. It had violated the contract upon which it came into existence, forfeited its charter by a thousand flagrant misdeeds, and, as Mr. Fox expressed it, had "by mismanagement, connivance and imbecility, combined with the wickedness of its servants," caused "the very name of an Englishmen" to be "detested, even to a proverb, through all Asia, and the national character" of England to "become degraded and dishonored." An investigation had been conducted for years, by Parliament, into these abuses ; committees of both parties, whig and tory, had laboriously examined the facts ; the abuses, to the full extent charged, had been admitted on all sides, without palliation or excuse ; and all England burned with a glowing ardor of condemnation against the culprit association. Both parties actively contended for the glory of furnishing the remedy ; all united in the conviction *that Parliament had a right to interfere*, as for a violated compact ; and the only differences of opinion concerned the most efficient plan of remedy. In the midst of this fervor of indignation, it is recorded to the honor of the British people, that they who had the unquestioned power to destroy the whole charter, were still solicitous to exercise that power with as little detriment as possible, to their previous pledge conveyed by the charter, and yet consistently with the correction of the admitted abuse. Public faith, they insisted, was to be observed with the delinquent company, on every point where such observance did not stand in the way of the removal of the evil. They could perceive, that even in this case of a *public* corporation, and with their clear and absolute right to modify, alter or destroy, if need be, the charter, that the honor of a just government was engaged to preserve sacred its pledge towards the fragment of charter-con-

tract which might remain after the rescission of the offending part.

Let it be remembered, secondly—and you have not forgotten it, although you seem to have overlooked its consequences—that, by the theory of the British constitution, Parliament is omnipotent. It has no written limit of power. It is the grand inquest of the nation, and as such, acts judicially—and therein, as a court of justice, it has jurisdiction over cases of forfeiture of charter, as well as over trust confided ;—jurisdiction more ample than that of any court of law or equity. In the exertion of this omnipotence, it recognizes no confine but what its own conscience and sense of national honor, justice, and right impose upon it as the representative of a magnanimous and upright people.

These are the two preliminary conditions which are to be noted in comparing the India case of England, and the bank case of Pennsylvania ; and to make the precedent available, it is incumbent on you to show that the bank has been guilty of similar abuse, and that the General Assembly of Pennsylvania has *the same* judicial and legislative power. Neither of which you have done ; but, on the contrary, you exclude the “charge of misconduct in the bank” from your proposition, and you admit that the State of Pennsylvania is amenable in its legislation on contracts, to the constitutional interdict of the Federal government, whatever that interdict may legally import.

Mr. Fox stated the object of his bill to be to annihilate an odious species of tyranny, the scope of which consisted in a claim already put in practice, “that a handful of men, free themselves, should execute the most base and abominable despotism over millions of their fellow-creatures ; that innocence should be the victim of oppression ; that industry should toil for rapine ; that the harmless laborer should sweat, not for his own benefit, but for the luxury and rapacity of tyrannic depredation ; in a word, that thirty millions of men, gifted by providence with the ordinary endowments of humanity, should

groan under a species of despotism unmatched in all the histories of the world." "This is the kind of government," he added, "exercised under the East India Company upon the natives of Indostan; and the subversion of that infamous government is the main object of the bill in question."

Mr. Burke's course of argument is indicated in the following extracts: "By some gentlemen," he remarked, "this bill is taken up as a point of law, on a question of private property, and corporate franchise." "It is a little painful to me," he afterwards added, "to observe the intrusion into this important debate of such company as *quo warranto* and *mandamus* and *certiorari*, as if we were on a trial about mayors and aldermen and capital burgesses, or engaged in a suit concerning the borough of Penryn, or Saltash, or St. Ives, or St. Mawes." "It is not right, it is not worthy of us in this manner to depreciate the value, to degrade the majesty of this grave deliberation of policy and empire."

After descanting on the term "the chartered rights of men," in the language you have quoted in your letter, he continued; "the strong admission I have made of the company's rights—I am conscious of it—binds me to do a great deal. I do not presume to condemn those who argue *a priori* against the propriety of leaving such extensive political powers in the hands of a company of merchants. I know much is and much may be said against such a system. But with my particular ideas and sentiments, I cannot go that way to work. *I feel an insuperable reluctance in giving my hand to destroy any established institution of government upon a theory, however plausible it may be.*"

"To justify us in taking the administration of their affairs out of the hands of the East India Company, on my principles, I must see several conditions. 1st. The object affected by the abuse *should be great and important*. 2d. The abuse affecting this great object, ought to be *a great abuse*. 3d. It ought to be habitual and not accidental. 4th. It ought to be utterly incurable in the body as it now stands constituted.



*All this ought to be made as visible to me as the light of the sun, before I should strike off an atom of their charter."*

When, in an argument of unparalleled force and eloquence, he had demonstrated the existence of every condition upon which he rested the right of parliamentary interposition, he concludes with these observations :—"It has been said, if you violate this charter, what security has the charter of the Bank, in which public credit is so deeply concerned, and even the charter of London in which the rights of so many subjects are involved? I answer, in the like case, they have no security at all—no—no security at all. *If the Bank should, by every species of mismanagement, fall into a state similar to that of the East India Company; if it should be oppressed with demands it could not answer, engagements which it could not perform, and with bills for which it could not procure payment; no charter should protect the mismanagement from correction, and such public grievances from redress. If the city of London had the means and will of destroying an empire, and of cruelly oppressing and tyrannizing over millions of men as good as themselves, the charter of the city of London should prove no sanction to such tyranny and such oppression. Charters are kept, when their purposes are maintained; they are violated, when the privilege is supported against its end and its object."*

Nothing can be more explicit than the avowal throughout this debate, that the judgment of Parliament is invoked against this charter upon the sole and exclusive ground of abuse,—violation, by the Company, of the contract with the government, to a degree that justified a sentence of forfeiture. The principle of law contended for was neither more nor less than the familiar principle recognized at this day, both by our Federal and State Governments—the right of forfeiture founded on breach of charter. By the organization of our government, this principle of law is administered through a different channel from that which may be chosen in Great Britain. Our States act upon these questions by the arm of the judiciary, not by the judgment of the legislature, except in the case of *purely polit-*

*ical* corporations. Violation of the charter contract is a question upon which our judiciaries universally may pronounce sentence of forfeiture. The *facts* which constitute that violation, it is the right of our corporations in most of the States to submit to juries; the *law* affecting these subjects, it is their equal right to contest in the courts. The legislature of these States, in the case of corporations *not political*, can rightfully interfere with neither the law nor the fact.

As regards *purely political* corporations,—and by this description, I refer to the class designated in the decisions of the Supreme Court, which I shall have occasion to notice in the sequel,—I admit that the same considerations which might move the Parliament of Great Britain to resume or alter a charter, may have weight to induce the same action in our Federal and State legislatures. In that regard, these legislatures are under no other restraints than the same honorable obligation to preserve faith in contracts which belongs to every just and intelligent sovereign. The physical power of sovereignty, wherever it resides, has no limit but that which the final impotence of its nature has imposed upon it: the moral duty of sovereignty is prescribed by the law of God, and as imperiously restrains the physical power as if written on parchment and supported by armies. No one can doubt that the British Parliament, in the case we have referred to, might, if it had seen fit, upon much weaker grounds than were presented by the facts, have even wantonly broken down the charter in question; and none could have disputed *the legality* of the act. That it spurned the exercise of such a power on such grounds, and prescribed rules to its own action which forbade it; that it stood upon the lofty assertion of regard for its plighted faith and of scrupulous requirement of every condition of forfeiture which might satisfy a limited law tribunal, may be told to its lasting praise. Such an example is an admonition and a lesson which the States of this Union may study, for the perpetuation of their own renown, and to the permanent advantage of their citizens. Let every legislator in the convention of Pennsylvania, or in

her general assembly, when the bank question shall come before him, reflect over the language I have quoted from Mr. Burke,—“I feel an insuperable reluctance in giving my hand to destroy any established institution of government, upon a theory, however plausible it may be.” I conjure you, Mr. Ingersoll, on the same occasion, when you are about to propose your theory, to reflect on the possible fate that may await it. You may then be taught something useful to yourself by studying the eventual history of the India bill. The annals of Great Britain will show you, that although the facts of that case were a thousand times more aggravated than any thing you can allege against the Bank, the measure of Mr. Fox was deemed somewhat too harsh, and that its failure consigned him and his party to political insignificance. Even this great light paled before the genius of the stripling minister, when that stripling found an ally in the universal desire of the British nation to stand by the faith they had plighted in a charter. You may remember this with advantage, and remember too that there are many youths in Pennsylvania, and many a pebble in her brooks to strike down every Goliath of radicalism who may go forth from Gath.

I hasten now to your other propositions. I shall take these up in an order different from that in which you have announced them, for the sake of condensation.

The fifth and sixth, ninth and tenth, like the second and third, manifest an error in the application and use of the term “privilege,” and its adjunct phrase “in derogation of common right.”

This is a very material and pervading error in your argument.

An act of incorporation is not necessarily, in the sense in which you use it, “a privilege:” nor is it necessarily “in derogation of common right.”

Acts of incorporation—I speak of those with which we are familiar in our States—do sometimes convey “privileges” in the acceptation which your argument requires—though not

often. Still less often—indeed very rarely—are these grants “in derogation of common right.”

The “forefathers of republicanism” — Messrs. Findley, Smilie, Edgar and Whitehill—are represented by you to have asserted what strikes me as bordering somewhat on the comic, in reference to this question of “privilege” and derogation of common right. I should have taken it for a jest played off against the credulity of the house, if it had not appeared in a letter much too grave for such a sally. You report, “They asserted that charters as originally granted, in the twelfth and thirteenth centuries, to towns and cities, exempting them from the general vassalage, then prevalent, were *sacred* instruments (by which they meant, of course, *inviolable by legislation*), because they secured to the persons on whom they were bestowed, their natural rights and immunities.”

“We have changed all that.” These charters to *towns* and *cities* are almost the only ones which it is now conceded, since the Dartmouth College case, the legislatures have a right to cut and carve as they please. All are *sacred* but these. However, that is not what I extracted the sentence for: the legislature of Pennsylvania in 1786, is quite excusable for not understanding the law of the Dartmouth College case. What I wished to remark is this,—that the opponents of the Bank of North America have oddly enough, in their argument against that charter, which they attack because it was a monopoly, an exclusive privilege, an antagonist party to the State, an enemy to democracy, inimical to the public safety, adverse to the rights of equal protection, a little aristocracy, inconsistent with the laws, habits and manners of the State,—they have oddly enough snatched out from this broad proscription, the charters granted in the twelfth and thirteenth centuries.

When I said an act of corporation is not *necessarily* “a privilege,” and “in derogation of common right,” my mind was directed to the corporations with which you and I are familiar as citizens of Pennsylvania and Maryland; and as I

intended to explain what kind of corporations were clothed with "privileges in derogation of common right," my mind was again, as irresistibly carried to the charters of the middle ages. Judge of my surprise, when I found myself plump in the very faces of *your* forefathers—"avos et proavos, et quæ non fecimus ipsi, vix ea *nostra* voco."

These charters of the middle ages conveyed, to my apprehension, in every sense of the term, monopolies, "exclusive privileges," "in derogation of the common right." Their general and most ordinary character was to confer some one or more of the following exclusive privileges :

Exclusive rights to particular branches of trade :

Exclusive permission to carry on certain manufactures or handicrafts :

Exclusive rights of navigation of particular rivers or seas :

Exemption from certain taxes, or services, required from all the rest of the nation for the support of government :

Exemption from contribution of personal service in carrying on the wars of the nation :

Privileges to levy imposts and duties within their own walls for their own benefit : and

To administer justice according to laws and customs of their own.

Every power or privilege to which I have alluded in this catalogue, and many more might be added, is exclusive, being denied to the rest of the nation, and therefore constitutes "monopoly:" most of these powers or privileges act as restraints upon the rest of the nation, subject them to duties, increase their burdens, trench upon their common rights, and are therefore, "in derogation of the common right." A privilege which exempts you from contribution to the common defence, throws upon me a greater share in that contribution, and is "in derogation of my common right."

All such charters are odious in their nature, and have been, I may say altogether, repudiated in this country. We have scarcely an example of them. The fundamental dec-



laration of rights in many of our States denounce monopolies as intolerable, and not to be granted.

On the other side, what are our customary corporations? I do not hesitate to reply, in answer to this question,—the most signal instruments by which the prosperity of our most prosperous States has been obtained. They are the familiar agencies through which almost every great enterprise has been accomplished. They have given to youthful America all the vigor of a ripe and wealthy nation. They are endeared to us by the richest fruits of our political advancement. What our scant *individual wealth* has been unable to attain, their means of *associated wealth* have brought us in profusion. They are interwoven into our habits with a household familiarity and constitute our simplest, most obvious and most useful modes of action. Our institutions are studded over with private charters. We have charters for universities, colleges, academies and schools: for hospitals, almshouses, infirmaries, and every other species of institution by which feebleness may be protected, and misery relieved. We have charters for churches, vestries, congregations and meeting-houses: for manufactures in all their endless varieties; for banks; for insurances against fire, against the seas, against all kinds of casualties: for water companies, for fisheries, and for hunting the forest: for the improvement of agriculture, for draining marshes, for cutting timber, for digging mines. We have charters for the encouragement of the fine arts, for libraries, for foreign missions, and for the establishment of foreign colonies. We have them for turnpikes, bridges, canals, railroads, steam navigation, packets, and carriage by sea. In short, there is scarcely a conceivable object of human industry, or field for speculation and adventure which does not derive aid from this principle of association. What is the consequence? Look to your own State. You have a thousand charters on your statute book, and you have a people rejoicing in unmatched vigor and wealth. Whoever thought, until the doctrine has been *lately* broached, that Pennsylvania, in these thousand

charters, has ever surrendered or put in abeyance one jot of her sovereignty ?

I undertake to say that not ten of all these charters convey what may be strictly called "a privilege:" that not one is "in derogation of the common right." They are altogether harmless as regards any supposed danger from their powers: they are full of usefulness and good works.

By "privilege," I mean something which the corporators had not before the grant of the charter.

Take any one of these charters and examine what it confers upon the company: and then inquire whether the persons composing the company had not the right to do the same thing before they got the charter. In an insurance company, each and all the stockholders might severally or conjointly have underwritten policies and received premiums and divided the profits, before the grant of the charter, just as they did afterwards: so of the banks; so of the manufactories, and all the rest.

Then what has the charter conferred upon them? It has given to these corporators, and generally for short periods, a joint entity, a collective individuality, successiveness, and, in some cases, perpetuity. Who benefits by this investiture of corporate tangibility? In part the corporators; in greater part, *the public*. A large body of men associated by a private tie, can scarcely be sued at all: the suitor cannot find the partners, and his writ is perpetually suffering abatement, or his debtor gets beyond his reach. *It is for the benefit of the public*, therefore, that the association is so identified by law, that its name and seal represent in your courts the whole association. The transmission of its property in a course of succession, is equally for the benefit of the public, because there it is to answer its responsibilities. Are these qualities, "privileges" of the association? I answer no. They are *merely qualities*. A corporation is a machine invented to do that, more expeditiously and effectually, which the individuals composing the machine might do, if I may so express it, by

manual labor. It is like a steam engine ;—it has its apparatus, and it performs its function according to the law of its nature : and you may with the same propriety call the peculiar mode by which the steam engine produces its result, the “privilege” of the engine, as to give that name to the correlative function of a corporation. It would be equally correct, too, to say, that the State has parted with a portion of her sovereignty when she purchases a steam engine, as when she charters a company.

Are these powers of the corporations *monopolies* ? Surely not ; unless the legislature has forbidden any one else to carry on the same business in competition with them. If these are monopolies, every mercantile partnership is a monopoly. For exactly as in the case of a private partnership, a thousand other companies may engage in the same business, and the legislature will not scruple to give them charters. So also may all the world, without charters, embark in the same pursuit, and run the race of rivalry with the company to any extent they choose. What feature of monopoly is there in all this ?

Is it in derogation of common right ? Certainly not. It is *common right* itself. No man is hindered, molested, or denied in the prosecution of the same business. There is nothing taken away from the rest of mankind, no additional burden put upon them, no service exacted from them, no diminution of property, right or power, except that which the law always encourages—the diminution of personal advantage resulting from the competition of those who are more skilful to supply the public wants.

In truth, so far from being “in derogation of common right” a charter generally imposes upon the corporators certain restraints and disabilities, which, in their natural persons, they would be exempt from. They are generally limited to the possession of a certain quantity of property ; restricted to a certain definite course of business ; required to make public exhibits of their affairs ; to pay certain stipends to the

Government : and frequently is superadded to these restraints and exactions, a personal liability of the corporators, beyond the corporate wealth—thus compelling them to become securities for the engagements of the corporation. Now all these provisions, except the last,—and that, to a certain extent, may be put in the same class—are, in some degree, in derogation of the common right of the corporators, but, in no degree, of that of the public.

I know one corporation in Maryland that has “an exclusive privilege in derogation of common right”—I can recall no other. It is a bank which is clothed by its charter with summary powers to collect its debts by a less tedious course of trial than other companies or persons in the State. I believe it has seldom exerted this power, in deference to a common opinion of its doubtful constitutionality. I cannot consent to denominate the powers of road companies, and others of the same description, to condemn lands, as “exclusive privileges.” These are of the class of ordinary powers which are constantly resorted to for the opening of highways and streets,—familiar, I presume, to every part of the United States. Neither is the right of toll to be so considered. This is but paying the debt due by the public, to those who have furnished the public with an easement, and is the result of a previous contract ratified by the parties on each side. It is no more an exclusive privilege, or grant in derogation of common right, than belonged to the builder of the State House at Harrisburg when he claimed from the State the price of the building.

You will perceive that I have said nothing of the charters granted to cities, towns, counties, or villages. I have refrained from noticing them only because they are *purely political corporations*, and do not strictly include the idea of contract. The parties on both sides, in these corporations, are the public, *and being erected solely for the better administration of Government*, they are at all times subject to modification at the will of the supreme authority.

Corporations are always created in this country by the legislature. The grant of a corporate franchise implies the deliberate assent of the legislature to the wisdom and sound policy of the grant. A legislature has no right—I speak in a moral sense—to pass any act but for the benefit of the country. It must be presumed, therefore, in all cases, that sufficient political inducements existed,—some clear conviction of public advantage resulting from the act,—to determine the legislature to make the grant. The charter contains a pledge to the corporation that if it will perform the contemplated service to the public, by following specifically the forms of action written out in the charter, it shall have the benefit which the charter proposes to it. This is a contract. It is impossible to state a case of contract more complete in all essentials.

There are two distinct contracting parties—the public on the one side, and the private citizens who are to constitute the corporation, on the other :

There is a valuable object to be accomplished, and the deliberate judgment of both parties on the importance and value of that object :

There is an act undertaken to be done, by the State who desires the proposed advantage :

There is a duty undertaken to be performed by the company, for the attainment of this proposed advantage and the dispensation of it to the public :

There is a performance by the State of its share of the contract, by public investiture of the corporate franchise in the company :

There is an acceptance of the investiture by the company, and a setting about the work to be performed.

The contract is absolute in all its conditions.

I am thus brought to the consideration of the propositions in which you dispute that a *corporate franchise* is the subject of a contract, and especially that a *bank charter* is of this character.



This argument occupies a large portion of your letter, and may be referred to as mainly or incidentally developed in the points enumerated from the sixth to the seventeenth, both inclusive.

If I understand you correctly, you admit that the legislature cannot take away "*the property*" of a corporation, but you contend that it can take away "*the privilege*" because *privilege* is not *property*. This theory—being asserted without limitation as to the nature or object of the corporation—I take it for granted, you consider applicable to every kind of corporation, whether bank or bridge, canal or college. Indeed, from the nature of the proposition, if it be true, it must apply to all.

If by "privilege" you mean any *exclusive* right, the like of which the legislature contracts to grant to no other body, I can almost agree with you so far as to say that the legislature may destroy its *exclusiveness*, not, however, because the privilege is not *property*, but because it is *exclusive*. I can almost agree to this, from an aversion to *exclusive* grants,—concerning which much may be said to show that some of the States, at least, did not design to allow them. But the only extent to which I would be willing to go in the destruction of an *exclusive* privilege, would be by granting, when the occasion required it, another privilege of the same sort to another body. There ends the exclusiveness. I would not even sanction this extent of legislation, but upon cogent motives of policy as well as strong constitutional objections, and a clear conviction brought to my mind, in the case which might arise, that the grant of monopoly was forbidden to the State that had created the exclusive privilege.

But if by "privilege" you mean that attribute or quality by which every corporation performs its proper function, and I suppose, in reference to the subject of your letter—(the bank), you can mean nothing else,—I entirely deny any shadow of right in the legislature to destroy it. It is as much *property* as the money in the vault. Why not? Is it not purchased by service—service which always supposes large outlay of money?

Was it not deemed a thing of value when it was made the subject of stipulation? Can it not be enjoyed just as much as houses or lands? Is it not transmissible to successors? Does it not impose duties, often onerous and costly? Is it the less valuable because it is incorporeal? What is a right of toll, a right of visitation, a right of voting, a right of pleading in the corporate name, of holding property, of making deeds, contracts and engagements in the same capacity? Are all these too insignificant to be deemed property in this country, and outlaws from your courts? If you desire to test the value of these rights and bring them to the gross standard of money, inquire what gold and silver, houses and lands, the possessors of these rights, in your multitude of corporations in Philadelphia, will take in exchange for them. This corporate franchise, quality or privilege is *a right*—a *vested right*—in the phrase of the “forefathers of republicanism,” and, according to the meaning of that phrase, *a sacred right*. It is *property*, to all intents within the protection of the law.

I will not discuss farther than I have done whether a charter is a contract. I think it beyond discussion; but I will pause to inquire how it comes to pass that you should assume, or doubt, that *a bank charter* is not a contract.

I do not know whether you admit the other charters, the turnpike, railroad, canal and the rest, to be contracts or not: there seems to be some confusion in your letter on this point; but it is evident that your hostility to the bank is immitigable. You are satisfied that no court has yet decided that the bank charters are contracts; that it is an open question: and you are most clear yourself that they are not contracts.

Now, I have given you a classification of charter companies, of which I have no doubt there are some thousands in the United States. Looking at that list, I say to you, that if among all these colleges, manufactories, hospitals, roads, canals, bridges, insurance offices and banks—I mean all of all sorts in that aggregate—if there was one charter upon which I could be persuaded to doubt whether it was a contract invi-

olable in its nature by the legislature, it would not be the case of a bank charter: or rather if I were called to select one which was peculiarly inviolable, one which, in the language of worldly faith, stood "upon the honor of the exchange," guarded by that stern and unsparing law of rigid obligation which furnishes the mercantile test of a man of credit or a man without—I should point to the case of the *bank charters*. You may doubt upon all the rest, but upon these, it is not lawful to doubt.

The other corporations had in due order projected their plans, argued their cases before the legislature, demonstrated their usefulness, and got their charters; some with labor and policy, and long suing and long suffering; some easily and at a word. But *the banks* had a gauntlet to run; they had not only to sue long and suffer tribulation—to demonstrate by proofs "luculent and irrefragable" their value to society; and withal to submit to a load of restrictions, pains and penalties—but they had, besides, to pay down into the lap of their august sovereign the ready money—*græca fide agere*. Your bonus is the fashion of the day, and *nil nisi bonum*, the current and accepted motto. This bonus is a superadded feature of contract. It is a quietus to all argument on that score.

The bonus is the bank exception. I do not complain of it. It is a speculation of the State founded on the experience that bank associations make a great deal of money, in their career of managing the business they undertake and which they perform, it is not denied, with advantage to the community. It is a matter of bargain, and the banks being willing to give, and the people to take, no one has a right to find fault with the compact. Our banks in Maryland have made a good turnpike road to Cumberland, they furnish a revenue for numerous schools besides. Your banks have done full as much for the public treasury. Is it not strange, after weighing these matters, you should say a *bank charter* was not a contract to be respected? Is it not still more strange that you should assert the right of the legislature to break up such a charter,

without *charge of misconduct* even—and add to this assertion that, PERHAPS, in such a proceeding the bonus ought to be restored. That poor “*perhaps*” stands there as a wretched casuist, borne down by the load of sin you have heaped upon his shoulders, and vainly endeavors to look up, with an honest face, upon the crowd of astonished and indignant contemners of his shabby office.

You call this bonus “the price of privilege.” Are you aware what evidence this declaration furnishes of the *value* of a right which you think too insignificant to be called *property*, and too unsubstantial to be entitled to the protection of the courts? It is exactly, in figures, \$5,775.000. *Perhaps* that ought to be restored! When you calmly revise your letter—as I am sure you will do in some moment of wholesome self-examination—I predict that you will run your pen through that word “*perhaps*.”

But after all, what says the Supreme Court? *You* say that “as far as the direct question of bank charters is concerned the Supreme Court has never passed upon it; and we are at liberty to discuss it free from the weight of their authority.” The force of your argument consists in the affirmation that a *bank charter* creates a *public* corporation. That its purposes are public and interesting to the Government: and that as it is not therefore a *private corporation* it does not come under the law of contract. Now Mr. Justice Story says, in the Dartmouth College case, “Public corporations are generally esteemed such as exist *for public politic purposes only*, such as towns, cities, parishes and counties; and in many respects they are so, although they involve some private interests; but strictly speaking, public corporations are such only as are founded by the Government for public purposes, *where the whole interests* belong also to the Government. If, therefore, the foundation be private, though under the charter of the Government, the corporation is private, however extensive the uses may be to which it is devoted, either by the bounty of the founder, or the nature and objects of the institution. For in-

stance, a bank created by the Government for its own uses, *whose stock is exclusively owned by the Government*, is, in the strictest sense, a public corporation. So a hospital created and endowed by the Government for a general charity. *But a bank whose stock is owned by private persons, is a PRIVATE corporation, although it is erected by the Government, and its object and operations partake of a public nature."*

In the case of The Providence Bank, too, the court assume a *bank charter to be a contract*, not, as you suppose, *for argument's sake*, but as a question too plain for denial. The decision which followed—that a State might tax a bank of its own creation notwithstanding the contract,—is not inconsistent with the complete integrity of that contract. The taxing power of the State may, if wantonly or wickedly used, be rendered an instrument of vexation and even destruction to every interest within its borders. It may tax your house, your lands, "your ox, your ass, and the stranger that is within your gates," until the first are consumed and the latter are fled, and you yourself are grown heart-sick.\* The *bare imaginative possibility* of such a mischievous exertion of the taxing power, surely furnishes no argument that the rights of property are not held sacred in the land:—and if it did, every other interest is as much within the compass of such an argument as the corporate bodies: there would be no contracts safe, no tenures inviolable, no rights beyond the reach of legislative power.

Nor is the deduction you make from the right to restrain the issue of small notes, less untenable. As a bank charter does not define the specific denomination of notes which it may be lawful to issue, the character of these issues is left open to that general control of the legislature which public policy may render necessary. Whenever that general control is arbitrarily exercised with a view to injure the bank, then it becomes a violation of the public faith. Doubtless, every legislative body possesses means of annoyance which may be maliciously perverted to the injury of every interest it was intended to protect. Our experience, however, has not yet shown us that we



may not rely with entire safety upon the fidelity of our legislatures in the observance both of the *letter* and the *spirit* of their contracts.

But it is not doing justice to your argument, to exhibit the propositions I have been last discussing, in the naked form in which I have just presented them. I am aware that the import of your reasoning is,

That privilege is not property,

And that a bank charter is not a contract,  
*in the sense and understanding of that clause of the Constitution of the United States which forbids a State to pass a law impairing the obligation of contracts.*

I designed to debate the question with you, with a full allowance of whatever value your argument may derive from its connection with the sense of the Constitution of the United States. But it greatly simplified and elucidated my view of the true interpretation of the Constitution to determine, in advance, whether "privilege" intrinsically be "property," and whether, in like manner, *a bank charter* intrinsically be a contract. Because, in answer to your view of the constitutional clause, I wish to show that that clause includes *all* contracts—refers to *all* rights of property.

Your notion is, that "the Constitution was not made for privileges, and, in the sense of the Constitution, there is no contract or obligation when the object is privilege."

This brings into review all that part of your letter which refers to the argument founded on the constitutional interdict.

The prohibition against passing a law impairing the obligation of a contract, it seems to me, you have entirely misunderstood. You regard it as merely conventional, brought into existence, for the first time, by the Constitution, and subject, therefore, to be controlled by a strict and jealous interpretation of the clause, as a thing in derogation of ordinary sovereign power. This is a fundamental error. The clause is but a declaration of the pre-existing law of morals; immutable, eternal in its nature;—of higher authority than constitutions and

codes ; paramount, and operative universally as the organic law of nature, binding on heathen prince and Christian legislature, in all times and in all places wherever men are united in society. It is as obligatory on the Federal Government as on the States : it is not a power delegated to the sovereignty of the Union : it is not a power reserved to the States. It is not *malum prohibitum* merely—it is *malum in se*. It is therefore to be construed liberally, according to men's consciences, as a rule of moral duty : and it was only brought into the Constitution of the United States, because, in the troubles and embarrassments of the revolution, some of the States had forgotten or slighted this precept of duty, and had committed this peculiar sin. The same considerations which urged this constitutional declaration would, upon similar facts, have justified the insertion in the Constitution of a declaration against the infringement of each and every law of the decalogue.

That is my answer to all you have said about the distinction between *privilege* and *property*, and to all you have urged in reference to the sense of the Constitution as it bears upon a bank charter.

Your distinction between *privilege* and *property* was contended for in the Dartmouth College case. It was weighed by the court and rejected. I refer you to the decision. It will not avail you to seek to escape from the weight of this decision by urging that the Dartmouth College case was not fully argued by counsel, or carefully decided by the court. It is notorious, even if the report of the case did not show it, that no cause in the Supreme Court was ever more ably discussed, and that no decision of that tribunal was ever more carefully made up. Read it again. It is true, there was one dissenting voice :—a silent dissent, against singularly luminous arguments, pronounced by the greatest judges this country has produced.

The same decision also puts at rest the questions involved in your seventeenth and eighteenth propositions. I have quoted the passage which shows you the opinion of the court that

the bank charter in question creates a *private corporation*, as contradistinguished from a *public political* one, and therefore lets in upon it the full benefit of the recognized law of contract, with all its attributes of inviolability from legislative action. I do not perceive that this doctrine is impugned in either of the other cases you refer to. Neither do I discover any objection to this interpretation in the opinions of Luther Martin and Mr. Madison, which you rely upon as contemporaneous and historical commentary. Mr. Madison's language in *The Federalist*, points to the transgressions I have already spoken of, as evinced in the early legislation of the State Governments. He describes the clause as designed "to banish speculations on public measures, inspire a general prudence and industry, and give a regular course to the business of society." You cannot imagine how this declaration can apply to the repeal of a bank charter. I ask you, in return, why not? Have there been, or may there be, *no speculations upon the repeal of the bank charter of Pennsylvania by the convention*: and, if your doctrines be sound, will there not be such speculations? May not these speculations, within their sphere, repress the "*general prudence and industry*;" may they not interrupt the "*regular course of the business of society*?" I need not hesitate upon the answer of every dispassionate man to these questions. I can conceive nothing more likely, if your philosophy gain the assent of the convention, than that Pennsylvania may largely experience the evils which Mr. Madison attributed to the sudden changes and legislative interferences in cases affecting personal rights," becoming jobs in the hands of enterprising and influential speculators, and snares to the more industrious and less informed part of the community. And this is the comprehensive language in which he assigns the motive for introducing that clause into the Constitution.

It is vain to contend for the narrow restriction of Mr. Madison's phrase "personal rights," by which you would exclude the rights under a charter. I cannot perceive the force of the exclusion. The rights of a charter contract are as

much personal to the possessor of them as your right to vote in an election, or your right to the house you live in. If this be not so, then every charter for every purpose, is, in your view, at the mercy of the Government.

The nineteenth proposition is but a piece of declamation. And I will, conversely with what you have there said, predict that Pennsylvania will continue to be a State,—and a great State,—although she religiously performs every contract that she makes. All the attributes of her sovereignty will remain to her,—and they will even derive a lustre from her scrupulous adherence to the integrity of her faith. Canal boats will ply, and children will be taught their alphabets, in spite of Nicholas Biddle and the bank. They will ply the faster, and penetrate farther into your teeming land, and the young urchins of your country school-houses will show many more shining faces (you have room for improvement there), by the very aid of this Polyphemus and his keeper :—

Let Hercules himself, do what he may,  
The cat will mew, the dog will have his day.

I have nothing to say in reference to what you call “ reasons of a more abstract character,” the sum of which constitutes the last link in that chain of assertions which makes up the total of your argument. They are mere speculations opposed to the whole current of precept and practice, by which our Governments, State and Federal, have been guided ever since their establishment. And leaving you at liberty to indulge your vein of radical reform in as many fancies of this nature as may satisfy your utmost craving for innovation, I abandon the further consideration of your argument, to indulge in some general remarks which the occasion seems to invite.

There is a spirit abroad, at this time, which affects me with alarm. Its temper is revolutionary, studious of changes which lead from good to ill. Our ancient institutions,—ancient for us,—are, in computation of the new philosophy, founded in false views of human right, and in misapprehension

of the interests of mankind. I will not say that the sagacity of statesmen may find nothing in these institutions worthy of reform, or that the increasing demands of our larger population may not require some amendments. But I confess I like not the hazard of these broad experiments. As a general rule, I would rather see the people accommodate themselves to the old forms of government, than join the endeavor to mould these forms to the perpetually changing fashions of the day. Many wise men have doubted, whether in the last fifty years a State Constitution has come out of the hands of a convention better than it went into them. It seldom happens when once the flood-gates of reform are opened, that they can be shut down at that precise moment when all the contemplated good is obtained. Nor is it always the well ascertained wants of the people which dictate these movements: they owe their origin as often to the zeal and ambition of leaders and the sinister designs of party. The people are not unfrequently cajoled by specious misrepresentations; false pretences are held out by flippant aspirants after power; gross deceits are practised to diffuse an opinion, that the operations of our State Governments are hostile to the common interest; and the less informed and easier-led portions of our population are persuaded that some vital wrong is done them by a course of legislation which, if it have any defect, is mainly that which springs out of the incompetency and ignorance of the representatives they have themselves chosen. I may say it without being charged with disrespect to our public bodies, that they are not always composed of the most intelligent citizens, and that the great interests of the community are not invariably as ably represented as so high and grave a function of government requires. But while the fundamental law is preserved we can afford to lose an occasional advantage from its unskillful administration, being sufficiently secure in the incomparably greater privilege which that law holds in reserve for our enjoyment. Yet I cannot but feel that if the ordinary legislation of the day is subject to the hazards of this incompe-



tency, society at large has much reason to dread the infinitely more momentous hazard of the same want of ability when it assumes to break up the long-established and familiar constitutional maxims, and to substitute in their place the new and crude doctrines which are generally suggested in the zeal of reform. I would rather see amendments gradually glide into the Constitution, under the slow process of experience, than turned in upon it in that flood which is the sure result of bringing together one of those conventions which, in the phrase lately brought into vogue, is said "to resolve society into its elements," and which is called by one of high authority in the ranks of radicalism, "the provided machinery of peaceful revolution"—"the civilized substitute for intestine war."

These observations have a peculiar application to those States which have provided a specific mode for altering their Constitutions without resorting to a convention: although they are not without weight in reference to all,—for even where a convention is the only method through which amendments are to be procured, such a resort should only be had upon a strong and well-settled conviction of its necessity, fortified by the large concurrence—the almost universal approbation of the citizens. A bare majority of voters in the State should never be allowed to dictate a measure so fraught with the power of doing harm as well as good. If the purpose be wise, my confidence in the good sense of the people assures me that they will speak with almost a single voice in its favor; they will call for it from every quarter of the State: that they do not so call for it and manifest this unanimity, would be to me an insurmountable objection to its adoption. I am not willing to trust the determination of so vital an interest to a small majority.

We have cause to be jealous of the hands to which we entrust power. Your letter, upon which I have already commented, is one among a thousand evidences why we have cause to be jealous. It teaches us that highly educated, ex-

perienced and accomplished men may be fired with a mischievous ardor of innovation. I will surrender my birth-right, as a citizen of the State in which I live, to no bare numerical majority of the people, any more than I would surrender it to a crowned king. When the people of my native State with one consent, or with such general voice as leaves me no doubt that the sober and discreet, as well as the rash and reckless, have asked for such a surrender, I will not hesitate to comply, because then I shall know that wisdom will prevail in the counsels of the convention, and that my rights may be safely deposited in the hands of those who are to modify them.

The claim that has been set up in Maryland falls far short of this requisition. The revolution attempted here had not even a *bare majority* to sustain it. It began and ended with a few intemperate politicians. There was no sturdy reserve of the people behind the leaders, and the abortive design fell with a dead weight back upon its projectors, and crushed them into the dust. It had no shape, no features, no head. There was not even an ultimate plan devised: nothing was concerted but the mere act of mischief, which consisted in breaking up the present Government by a futile scheme of treachery to a public trust;—all the rest was left to chance; and whether another Government was to be arranged,—whether even these bold reformers themselves could strike out a plan which would not have bred a quarrel in their own ranks, was a doubt, the solution of which was shrouded in the unknown future. Yet such was the course of proceeding which a bare majority is said to have sanctioned. It is but the type of what will be the fate of all endeavors in the States of this Union to assert the right of such a majority to subvert the foundations of the communities in which they live.

I understand government to be designed as much for the protection of the smaller number of citizens as for the larger: even, if possible, *more* for their protection, since the majority can always protect itself. The philosophy of the times repudiates

this doctrine as a heresy. It contends for the supreme and absolute power of a majority to change and abrogate the organic power at pleasure. It does not admit those inherent, indefeasible and inalienable rights of the individual citizen, of which, at the formation of our Governments, our forefathers were wont to speak. All must give way to the declared will of a marshalled and counted majority of voters. It is not enough that the laws pursuant to the Constitution, and proposed in the course of its administration, are passed by the agency of a majority of votes ascertained in the popular election ;—but the Constitution itself is to be acted on, overthrown and abandoned upon even a less formal process. For an ordinary law requires the assent of two deliberative bodies before it goes into operation :—the fundamental law in the hands of a convention, depends upon the assent of but one set of representatives of a part of the people.

The liberty and rights of an American citizen reside under the protection of this fundamental law. He can appeal to it against any act of oppression which may be perpetrated against his person or his property even by the legislature itself. It is his Magna Charta, which is above the assault of any combination in the land.

It is said of the Grecian republics that they differed from ours in one great feature. They were Democracies of the most simple structure. The *public will* was in all cases the *public law*, and its characteristic action was to magnify and enlarge the power of *the State* to the utter disregard of *the individual*. History teaches us that no despotism of any modern government was ever so absolute as the despotism of these governments over the citizen. In the presence of that tremendous power of a majority, the individual was politically motionless. He was obliged to submit to its capricious decrees in humble silence. He had no bill of rights to appeal to ; no friend in the written fundamental law of the State to stay the fierce hand of popular vengeance, which inflicted upon him whatever injury the misguided fury of the moment ordained. If the bill

of rights of the people of these States are to be torn into tatters at the bidding of a majority merely, how do we differ from the republics to which I have alluded? And what guaranty have we that the new form of government shall not share the fate of the old, with every alternate victory of party which may present an occasion of discontent against the Constitution which perchance had aided the former success of the vanquished. "That government can scarcely be deemed to be free," says the Supreme Court, in the case of *Wilkinson and Leland*, "where the rights of property are left solely dependent upon the will of a legislative body without any restraint. The fundamental maxims of a free government seem to require that the rights of personal liberty and private property should be held sacred." This remark is strictly applicable to such a Convention as I have been speaking of. Does not an assemblage so created, with the powers assumed to belong to it, answer to the description of "a legislative body without any restraint? How does it differ in the character of its origin from any ordinary legislature, except in the very dangerous feature of a looser organization, and less caution in its structure? It is elected by a mere majority of the voters: it springs from the dictation of a part, a small part, of the constituent body: it is subject to no veto from a co-ordinate authority, or from an executive; it is under no restraint of a judiciary; and in these latter features is even less guarded than the common law-making power. It has no constitutional maxims prescribed for its action, no fundamental law by which to bound its excursions. The very men who constitute the popular branch of a State legislature may be resolved into a Convention, by a mere change of name. The American people have heretofore thought that it was not safe to their liberties to clothe a legislative body with unlimited power, and they therefore have declared what they consider their inalienable rights, and have prohibited the legislature from assailing them. Can it be supposed that they would submit to the pernicious anomaly of allowing a simple change in the name of the body to

work the miracle of overthrowing all these inestimable rights, upon which their liberties have been founded? When a Convention is necessary it must be a Convention of the people, not of the majority of the people. It must be of such a majority as leaves no doubt of that *general acquiescence* which may be called the common wish, the almost universal demand, of the people. The very idea of a Convention *of the people* excludes that of a small majority. When a Government is found absolutely inadequate to the promotion of the happiness of the State, and when the ordinary appointed modes of amendment have failed to cure the defect, doubtless the people may resume their sovereignty. But it must be *the people*, and not merely *a part of the people*. And knowing as we do the sensitiveness of the citizens of these republics to all such vital interests, we may be certain that whenever such a condition of things exists as may render this resumption of sovereignty necessary in any State, the people will not move towards the accomplishment of their object in small numbers, nor evince their will by a bare majority. It will be by general acclaim.

We have in Maryland a white population which may be estimated at 400,000 inhabitants; of these about one eighth, or 50,000, are entitled to vote. Not more than 40,000 ever go to the polls,—perhaps not so many. 21,000 votes would, on this supposition, give a majority of one thousand. Can it be pretended that these 21,000 votes are entitled, through the instrumentality of a convention, to control and abrogate the fundamental law of the State? to enact, at their pleasure, a code “as bloody as that of Draco?” to deprive a citizen of his right of trial by jury? to strip him of the privilege of worshipping his God according to the dictates of his conscience? to break down and utterly annihilate the tenures of property? to abolish the privilege of the habeas corpus? to disqualify and limit, at their sovereign will, my right to vote for public servants? to usurp all the powers, faculties and privileges of *the people*—and, in short, to declare themselves to be exclusively *the people*?



Take one thousand of these votes away from them, and give them to the other side, and they are no longer this omnipotent body. Their whole power depends upon this thousand votes. It is unfortunately true of every community that there are men among them who have no capacity to judge of the value of public measures ; who are swayed by the influence of others ; whose habits of life are adverse to reflection and temperate judgment ; who follow the lead of party without stopping to inquire into the merits of the proceeding they are expected to sanction : men who have the least possible stake at issue upon the question of good government, and who think little and care less what may be the consequences of their vote. These are the very men who may determine the question of a majority. They may be the "thousand" upon whose vote rests the assumption of that unlimited power by which a convention is to pronounce the fundamental law naught.

These 21,000 make up, in the case supposed, the whole constituent body. They assume to speak for themselves, and for the remaining 379,000 inhabitants. How shall we know that they speak truly and authentically for this mass of the population who are all to be affected by their decrees? They are but little more than one-twentieth of the whole in point of numbers : they may not represent the one-hundredth part of the property of the community, which is to be subject to their laws ; and they may not possess a tithe of the intelligence and wisdom of the State. They may be but a mere party seeking a party end.

Then again, as these are *the constituent* body, there emanates from them a body of representatives to compose the convention ; and these representatives, by virtue of their delegated power, in their turn, assume to be THE STATE—the fountain of the sovereign pleasure. They have perhaps agitated ten questions before the people ; and, on pretence of adjusting details, they act upon a hundred which the people have never heard of. Some of this handful of men are ambitious of distinction, busy politicians who have practised the usual

arts of popularity for their own aggrandizement ; and having attained their end of getting into the convention, they fall into all the little intrigues of the day to secure their own pre-eminence ; foment prejudices against valuable institutions and individuals ; mature and strengthen the schemes of their party, and play off, in matters of the highest concern to human liberty, the miserable tricks which often disgrace the common legislation of the day. Even this body of representatives, remote as they are from the great bulk of the population,—from that mass of inhabitants who are disqualified from a share in public concerns by age or sex, or who have voted against the convention, constituting an aggregate of nineteen-twentieths of the State, in the case I have supposed,—even these representatives are not, in their integral number, the depository of the fearful power which is to break down and build up the fundamental law at its pleasure ; *a simple majority* of their own number is absolute—the sole and uncontrollable sovereign. And thus it may be, that the representatives of a fraction, little exceeding the fortieth part of the whole body politic, sway the destiny of all.

Let me not be told of the after-concurrence of the people, when the proceedings of the convention are submitted to their ratification and adoption. The theory is equally omnipotent there. The same twenty-one thousand votes are all-sufficient for the process of ratification.

Was it ever designed by the fathers of our polity that the sacred rights of free communities were to be made the sport of such combinations ?

There are some of the States, and Pennsylvania, I believe, is one, which have made no provision for amendments of the Constitution but through a convention. In such cases, the convention is a recognized instrument under the Constitution ; —it is a part of the written compact of government provided for in advance, and adopted from choice. But such a convention, I apprehend, must emanate from the legislation of the State, and be subject, in its organization, to the law of its crea-

tion. With this restriction it has, at least, a chance of being duly matured, of having its expediency discussed, and the limit of its action prescribed—precautions which go far to disarm it of a power to do mischief, and to erect it upon a broader basis than a mere majority.

When I began these strictures upon your letter, I told you that I was induced to take up my pen from considerations of a domestic nature. The topics I have brought into view are, at this moment, eminently interesting to the people of Maryland.—I have that apology to plead for their introduction here ; and I trust they will not be deemed out of place, even in their reference to the great movement for a convention in Pennsylvania. It is not to defend the banks, that I have written. The policy of multiplying or suppressing these institutions I leave to those in every State who are charged with the duty of taking care of the public interest. The legislation of late years may have been improvident on these subjects ; although, I confess, I am not one of those who unite in the common complaints against them. I think they have done much good and may do much more. In a nation so essentially gifted with the means of extensive credit as the United States, I can see no reason for denying to our citizens every facility which may make that credit a source of wealth. To my mind, it appears the mainspring of that bountiful prosperity which adorns our land. It is emphatically the poor man's friend and the laborer's refuge. It sets in motion that infinite industry which brings content and joy into the workman's cottage, and lifts him up to competency and comfort. Neither do I look with an unfriendly eye upon the large accumulations of capital which are the source of the enterprise, influence and luxury of our more fortunate and wealthy citizens. They are centres of reinforcement to the mechanics' thrift : reservoirs from which every class of citizens may find the means of providing against want and gathering independence. By the agency of these accumulations all ranks are linked together in mutual affinities, which, but for the incessant revilings and falsehoods of selfish

candidates for popular favor, would engender mutual harmony and good will. Above all, I cannot adopt what I consider the cant of the day, against the danger of corporate bodies. I have said before that I held them to be not only harmless creations, but the instruments of great and permanent good to the country. I think it time that this false and undeserved vituperation should be brought to public discussion, and that the country should be invited to a more impartial and calm survey of the question than, in the hurry of our busy legislation, it has yet obtained.

I believe, moreover, steadfastly and unfalteringly believe, in the integrity of the great body of the American people ; in their attachment to the true principles of rational liberty ; in their intelligence and wisdom : and, therefore, amidst all the fearful signs of the present day, the rage of innovation, the censure of fundamental law, the invective against established custom ; amidst all the pranks of low ambition, the wiles of demagogues, the allurements of radicalism and the misrepresentations of party, I still trust that, no less than in 1792, we shall continue to deserve the panegyric pronounced by Erskine, and which I have prefixed as the motto of this imperfect essay.

“ I aver that at this moment, there is as sacred a regard for property, as inviolable a security to all the rights of individuals, lower taxes, fewer grievances, less to deplore, and more to admire, in the Constitution of America, than that of any other country under heaven.”

A CITIZEN OF MARYLAND.

*December 24, 1836.*

## SPEECH

DELIVERED IN THE HOUSE OF REPRESENTATIVES, ON THE 22D  
AND 23D JUNE, 1838, IN THE DEBATE ON THE SUB-  
TREASURY BILL.

**M**R. CHAIRMAN :—I did not believe, until within a few days past, that the gentlemen who have taken charge of this bill, would have again pressed its consideration on the House. I thought, sir, that under the admonition of public sentiment which has recently, through so many channels, been conveyed to the ear of the administration, this Sub-Treasury Scheme would be regarded as a doomed and foregone expedient, stamped in advance with the reprobation of the country, and no longer to be entertained in discussion here. Never, in the history of this Government, has there been presented a public measure, in reference to which the wishes of the constituent body have been more explicitly communicated to the representative ; it has been canvassed by the people with a scrupulous deliberation ; it has been investigated by them with all that care which a painful sense of present evil could suggest, and they have expressed their disapprobation of it in every form in which they were able to find a voice. I did not suppose that with the principles by which the friends of the administration in this body affect to be governed, they could have brought themselves so far to resist that voice as again to propose the bill. I thought indeed, sir, that the late action of Congress, in the almost unanimous and even eager repeal of the Treasury order of July, 1836, would be construed as a decisive sentence against this measure. I cannot understand



how that repeal and this bill may consist with each other, and I should be glad to hear some intelligible reconciliation of the two. It is true that the joint resolution to which I refer does not in express terms repeal the Treasury circular ; but it accomplishes the same end, quite as effectually, by forbidding the secretary to discriminate in the moneys he receives for public dues ; and as he has kindly volunteered to say that he will not refuse good bank paper for the customs, he is no longer at liberty to refuse it for public lands, and so we have in fact repealed that noxious treasury order which has so long annoyed the country.

That order being out of the way, I would ask to what elements may all this machinery of the Sub-Treasury apply ? Is it necessary to build vaults, and construct safes, and create all the agencies designated in this bill to guard a few rolls of bank paper ? The apparatus of this scheme essentially belongs to the gold and silver reign, it deals only in coin, and has its existence and daily continuance in the phantasmagoria of the hard-money system. 'The moment you abandon the absolute coined metal, your 'Treasury System becomes a system of credit in account, impalpable to the guardianship of stone and iron, unamenable to lock and key ; it rests upon the personal fidelity and integrity of your agents. How shall the details of this bill apply to it ?

Mr. Chairman, I especially regret that this bill has been brought forward at this time, because I know that a most happy conviction began to gain ground with the public, that it was now the purpose of the administration to bring itself within the range of the business and wants of the community, to take a position in which it might sympathize with the people, and if not actually extend its aid, at least abandon its indifference to their distresses ; that it meant now to give up its war against the currency ; to cast aside its experiments, devices and jejune expedients, and to address itself honestly, with the lights of past experience, to the actual need of the nation. This hope was vivified by the late repeal of the cir-

cular, it had gained gradual strength by the long slumber of this Sub-Treasury bill, it was corroborated by the unwonted tone of toleration in which many of the friends of the administration, in both Houses of Congress, have lately spoken of the banks, and by the awakening good sense with which they have derided and renounced the singular folly of the hard-money imposture. The people had therefore begun to turn their faces towards the dawn of happier times, and to promise themselves a speedy restoration of that prosperity which had been denied them only by the unwise action of their own government. The very agitation of this measure, in the midst of these joyful hopes, has struck despondency deep into the bosom of the trading classes, and the people now watch your proceedings here with renewed alarm and anxious suspense: they daily ask in a tone of wonder, can it be true that you design to perpetrate the enormity of putting this odious system upon the country?

The zeal with which the bill is urged leaves no room to doubt the sincere desire of its projectors to carry it into effect, and I have heard that its friends entertain hopes of its passage. Such a result may possibly demonstrate the power of a majority on this floor, and show that here, at least, notwithstanding the general revolt of the nation, the banner of the administration, torn as it has been in recent conflicts, is still upheld by men bold enough to defy the almost universal popular voice. That struggle will yield but a worthless triumph whose greatest success can have no better end than to continue, for a brief space, the oppressions of a power against which public judgment is accumulating its censure, with fresh and still fresher indignation, and which is surely doomed to be prostrated by those overwhelming bursts of indignation of which the administration have already had a foretaste.

Mr. Chairman, this bill assumes to be remedial in its character. It arises out of the suggestion of the President, made at a time when he had called Congress together, to deliberate upon a great national convulsion which had brought

disaster into every class of society. It may be said to have been the only topic of consideration at that moment: it was the only relief proposed. Although the afflictions of that day are passing away, still they are yet severely felt, and this measure is again presented, as at first it was, as a measure of relief. In that view I mean to discuss it, and to test its adequacy to its proposed object, by calling the attention of the committee to the origin and nature of the evils which it is designed to remedy.

Sir, I was somewhat curious to know upon what grounds it would be advocated here, as a measure of relief, and I have therefore listened to the debate with eager attention. On one side of the house I have found the Chairman of the Committee of Ways and Means, the foster-parent of the bill, a thorough-going State-bank advocate—even carrying his predictions for banking to what I should call a point of ultraism. But a few weeks ago, when the Treasury-note bill was under discussion, he opened that debate with congratulations upon the returning prosperity of the country, and with the declaration that the great license of free banking, which had just been granted by the legislature of New York, marked an era in the history of our country from which we were to derive a permanent and solid restoration of health and strength. This new free banking with its expected millions—even fifty or a hundred—was now to be superadded to the present banking system of New York and the country, in his opinion, was to thrive under that impulse beyond all former example. Such, sir, was the tone of feeling with which the gentleman from the city of New York entered upon the discussion of this Sub-Treasury bill. He is a bank man, sir, an ultra State-bank advocate. He is emphatically for the paper system, even greatly enlarged beyond its present amount. He sees in this system the maintenance of the superiority of New York and the great aid of commerce. Indeed, from his remarks upon this bill, he has persuaded himself, oddly enough I think, that its tendency and purpose are, in fact, to aid and sustain the banks. He defends and

supports it with that view, and as powerfully conducive to advance the interest of his own city.

On the other hand, the gentleman from South Carolina (Mr. Pickens), is altogether in the opposite key. This gentleman is profoundly indoctrinated with the dogmas of the hard-money school : he is persuaded that all our sufferings, and all our weakness have come from the banking system. That system, in his judgment, has not only held this nation in thrall to Great Britain, but it has rendered the Southern States the "colonial vassals" of their Northern brethren. He views the over-towering elevation of New York with an unfriendly eye ; sees in it the fruit of systematic oppressions, exercised by the general Government, against the South ; and his whole desire is to break up that commercial connection which he deems so unnatural and so hurtful ; to give to the South a circle of trade circumscribed to its own limits, and thus render it independent of the North. In this bill he persuades himself he finds the means of accomplishing his purpose. It is the only measure which, in his judgment, will break down the banking system, and pluck from New York the fortunate honors of her present ascendancy.

Sir, the bill has another class of supporters. They may be said to be represented by the gentleman from Virginia (Mr. Hunter). The tenets of this class may be described in brief, as professing to inculcate that bank credits have permanently crippled the commerce and industry of this country : that upon the hard-money system—the pure metallic currency—we should have advanced by more rapid strides to wealth and power, and that we should now have exhibited a mercantile community free from all apprehension of those disturbances and dangers, to which experience has proved our currency to be subject. In the opinion of the honorable gentleman, the age has at last received the true light, and is now about to discard paper money forever as unworthy the improved philosophy of our day ; and he is especially anxious that the United States should take time by the forelock and be the first to step into this glorious ref-

ormation. That step he believes will be made by passing this bill.

There is yet another class, of whom the gentleman from Virginia who spoke before his colleague on that side (Mr. Dromgoole), may be deemed the interpreter. They are the mere naked divorce men. Without professing to see any thing mischievous in banking, or any thing good in it, they stand on the simple ground of the Constitution, and affirm, whether it be expedient or not, that the Government has no power to receive a bank note in payment of any thing: that the whole usage of the people of the United States, from the beginning down to the present day, has been vicious, unconstitutional and naught. That uniform and unvarying precedent is nothing; that acquiescence for half a century is nothing; that the judgment of courts, the expositions of contemporaries, the enactments of legislatures and the opinions of cabinets uncontradicted and unreversed from generation to generation, are nothing; and that whatever of constitutional power was a matter of doubt on the first day of the Government, will, in spite of all decisions and all conformity, be a matter of doubt and debate a thousand years hence. For these reasons this class also sustains this measure.

In the midst of this contrariety of opinion, I could not but remark how exceedingly difficult it was for one in my situation, being new to this house, and to the respective claims of gentlemen here to be ranked as leaders—to make a sober and just estimate of the grounds upon which the administration hopes to sustain this bill before the country. Surely one or the other of these motley-opinioned defenders of the scheme, can have but little claim to be considered as exponents of the executive mind! If the bill be what the member from New York represents it, I would advise the gentlemen from the South to pause and look about them, lest they make a fatal mistake in their method of pulling down the city of New York, and building up Charleston. And to say the truth, I think there is reason to fear that the honorable Chairman of the Committee of



Ways and Means, is not altogether wrong in his expectations. With that unscrupulous favoritism by which this and the last administration have been accustomed to execute the laws, New York, provided she demean herself less contumacious than she has lately done, may turn her political acquiescence to some account under this proposed system. There is power in it, as I shall hereafter show, for the conferring of any amount of favor. But it is very clear that the gentlemen of the South do not in any one point agree in the conclusions or give credit to the wisdom of the honorable chairman.

If the gentleman from South Carolina (Mr. Pickens) be right in his estimate of the character and tendency of this bill, then I warn the representatives of the North to look to it. They are not hard-money men ; they do not wish to strangle the banking system ; above all, I presume, they do not wish to check the commerce or restrain the industry of their own region. If they do, let them follow the lead of the member from South Carolina ; and when they go home to their constituents, let them say that they have been converted to a conviction of the soundness of his views, and therefore voted for the bill.

Mr. Chairman, I am not unfriendly to the prosperity of South Carolina. No man on this floor wishes her well more heartily than I do ; and I look with a profound gratification to that noble and wise spirit of enterprise which has lately prompted her to scale the Alleghany with her great road. God speed her, in that glorious rivalry by which she has endeavored to place herself on a commanding eminence among the States ! There lies her path to wealth, power and happiness ; let her pursue it steadily, and she will reap her reward. None will exult in it more than myself. But when she aims at breaking up the commercial union of the North and South, and especially when she teaches her people that this Government has been unkind to the South, she gives a dangerous direction to their thoughts. A fancy of discontent is quite as stimulating as a real cause, and may teach the weaker-gifted

in the gifts of head and heart, the mischievous habit of calculating the value of our Union. Whether designed or not, these preachings of discontent tend towards that horrible catastrophe of disunion, with the contemplation of which I would not have our people familiar. It is in the very bounty of the Almighty that our North and South are united in those beautiful bonds of brotherhood which their mutual commerce with each other have created: it will be the regret of this whole continent, when independent circles of trade shall be formed, which shall leave the different geographical sections of the country no longer useful to each other in their dealings. Sir, it will lead irresistibly to separation.

I would hope, sir, that these thoughts, or any thought kindred to them, never entered the mind of the gentleman from South Carolina in his support of this bill, and that, after all, he has been harmlessly dealing in the dogmas of that new philosophy which has of late become so peculiarly the product of his own State. South Carolina has, for a time, gone in pursuit of strange gods—she has fallen into the spiritual sins of false doctrine, heresy and schism; she has become mischievously sophisticated, bewildered with political metaphysics; I trust she will soon return to that rectitude of opinion which is more compatible with the moral rectitude and lofty patriotic bearing that distinguish her sons.

I said, sir, that I wished to test this measure as a measure of remedy, and with that view would endeavor to trace our present disasters up to their origin. I shall do it as briefly as the nature of the inquiry and my respect for the patience of this committee, already tried to its utmost verge, will permit.

There was an opinion sedulously inculcated during the latter part of the last administration, that the specie basis of the country was insufficient to sustain the paper circulation, and the people were taught to believe that it would be a wholesome exercise of the power of the Government, and, in fact, was its duty, to take measures for the importation of the precious metals. Everybody remembers when this opinion began to

predominate. It was about midway in that career of patchwork expedients to give us a "better currency," which constituted first the dream, and finally the monomania of Jacksonism. Gouge had just published his book of bank horrors, in which, somewhat after the manner of an anti-masonic pamphlet, or one of parson Weems's tracts, "God's revenge against drunkenness," he had arrayed in melancholy juxtaposition all the vices, sins and misdemeanors which could be traced to his subject, or be brought to its illustration. This book suggested the hard-money scheme. It fell in the way of the President just about that time when he was beginning to doubt the efficacy of the great and famous EXPERIMENT. It furnished him a happy thought, when it pointed out to him how he might retreat from the odium of the possible and even then probable failure of that scheme. From that moment he was taken with the hard-money madness, and straightway the whole tribe of dependants, following his lead, took the same frenzy, and soon became even more rabid than their chief.

This was not the least mischievous of the errors which characterized that extraordinary era of popular delusion. The notion that the specie basis was inadequate to the currency, and that it was the province of the Government to enlarge it by forced importations, was the principal cause that brought about the catastrophe of the suspension. To those who have not fully studied the subject, it may sound like a paradox, but it is nevertheless true, that the suspension of specie payments was induced by the importation of the precious metals; and the resumption is to be accomplished—in fact has already been prepared, and we may say, consummated—by the exportation of them.

I shall, before I conclude, have occasion to notice this importation of specie with more particularity; for the present I design to inquire into the soundness of the position assumed—whether the coin was insufficient to sustain the currency, and whether good was likely to result from the interference of the Government. To the presumptuous, unskillful and ignor-

ant intermeddling of the Government with this subject, the common opinion has already assigned the common distress. I wish to inquire if there be not cause for this imputation.

The ratio which specie may safely bear to the paper circulation of the banks, is altogether incapable of fixed and determinate regulation. It necessarily must change with respect to time, place and circumstance—defying all attempt at invariable adjustment. It is subject to the ordinary mercantile relations of supply and demand, and will be governed by the principles applicable to those relations. The fundamental law of our country requires that all paper should be convertible into gold and silver; it has not indulged the absurdity of contemplating the possibility that all would be converted. It is the creditor's right to require his debtor to pay in coin. The purport of this provision is to furnish a *standard of value*; it refers every object of traffic to the value of the precious metals, but does not require that these metals shall be the actual commutation in every transaction of trade. The convenience of society has uniformly made the equivalent of coin, in the great affairs of trade, more acceptable than the coin itself, and coin now is no longer necessary as a commutation for bank paper, than as its presence is requisite to preserve the standard of value in the paper. What is the ratio of coin necessary for this purpose, is a problem that will ever be varying in its terms. It is very obvious that if every holder of bank paper insist upon having the coin at any given moment, the richest bank may be compelled to abandon business: if the public be content not to demand it, it is equally clear that a very small portion of coin need be kept on hand. We must not confound ultimate solvency, with this question of convertibility. Banks, no more than private individuals, are effected in their actual solvency by not having coin at hand; although the effects of not paying in coin when required, are very different in the two cases; the bank would be discredited for want of punctuality; the individual would escape almost without comment. It is therefore the peculiar duty of banks to keep a portion of their funds

in hard money, sufficient to redeem so much of their circulation as may be demanded. If they kept an amount equal to their circulation, they would lose the legitimate profit of their business ; if they kept less than might be demanded of them, they run the risk of losing their credit. They must ascertain the safe medium between these two extremes. What is that medium can never be so accurately determined by any authority as by the banks themselves. It is a question which will depend upon the state of public confidence, and that confidence must, from its nature, be affected by the circumstances or events of the day. No degree of prudence, nor no amount of wealth would suffice to save a bank from being drained of its coin if the whole community were determined to set upon it with a demand for coin. Even if the specie in its possession exceed the circulation, the bank may still be exhausted, provided it be determined to continue its business and to maintain that circulation at a fixed amount. A hundred-dollar note paid out on discount to-day may be returned with a demand for specie to-morrow : if it be re-issued in another discount, in pursuance of the purpose to keep up the circulation, it may again return to draw its amount in specie, and through a continuation of this process the same note may take out of the vault ten times its own amount of coin.

Again, sir, this relation will be effected by the condition of the community in which it exists. An active thriving business, driven in a densely peopled region, promotes rapidity of circulation. The bank note passes from hand to hand with such celerity as to give it renewed confidence in its progress. In such a state of things a given amount of paper performs double, treble, perhaps tenfold work in the way of exchanges ; while in a sluggish community, or among a widely scattered population, the circulation, from the mere slowness of its movement, requires a broader basis of specie.

I refer, Mr. Chairman, very cursorily to these considerations, to show how futile must be the endeavor to regulate the relation of specie to paper by any fixed and unvarying law ;



how still more absurd it must be to make this a subject of Government action.

I have taken some pains, sir, to ascertain what has, in fact, been this relation in our own country for several years past. That inquiry has afforded me the following results. From the year 1830, the returns to the Government, upon this subject, have been full and I believe accurate. They will show that from that period down to the present year, 1838, the aggregate specie in all the banks has averaged a ratio of between one-third and one-fourth of the circulation: in 1830 the circulation was a fraction less than three of paper to one of specie in the banks; in 1837, less than four to one.

Dividing the States into sections, with reference to the nature of their trade and population, we shall find by the official returns, that on the first of January 1837—a period, let it be remarked, two months anterior to that at which General Jackson boasted of the prosperity and happiness of the country, and of the success of his humble efforts to restore a sound currency—in the six New England States, the circulation was rather above five dollars of paper for one of specie in the banks of that region; that in the five Middle States, including this District of Columbia, the paper was rather less than three to one; that in the four Southern States, including Florida, it was under four to one; and in the six principal Western States, it was but a fraction above two to one. In the State of Massachusetts, a thickly-peopled and busy State, the bank circulation from 1830 to 1837, vibrated between five to one, and eight to one—never more than a small fraction below five, nor above eight. Connecticut presents about the same relation. New York, in 1834, exhibited about six of paper to one of specie; since that period it has shown about three to one. The general aggregate of the United States, as I before remarked, varies slightly between three and four to one, during the last eight years; the commencement of that period being one in which the currency of this country was confessedly the best in the world; the termination of it, certainty presenting the

worst of which we have any knowledge in any mercantile nation. And yet, sir, in 1830 we had not, it is supposed, above forty millions of specie in the country, while now it is proclaimed, as one of the fruits of our wise statesmanship, that we have accumulated near one hundred millions. The truth is, our currency has been gradually growing worse, notwithstanding all our efforts to increase the specie ; it has lost its excellence in proportion as it has become the care of the Government.

Turning to Great Britain we shall find nearly the same results. From the year 1780 down to 1830, a computation of the circulation of the Bank of England will afford an annual average of about four pounds sterling in paper, to one of bullion. In August, 1797, a few months after the suspension of specie payments, the circulation of the bank was about eleven millions sterling to four of bullion ; in 1798, it was £12,180,610 sterling to £6,546,100 of bullion, less than two to one. In 1799 it was about as 13 to 7 ; and in 1800 and 1801, nearly the same : showing that, for nearly five years after the suspension, the ratio of specie to circulation was larger than, with some few exceptions, it had ever been before or afterwards. In 1783, more than thirteen years before the suspension, the circulation was six and a third millions to little more than half a million of bullion. In 1825, four years after the resumption, the circulation was £19,398,840 sterling to £3,634,370 ; somewhat above five to one.

The Bank of France suspended specie payments in 1806, for about four months ; yet France has upwards of six hundred millions of dollars in her specie currency. The bank issues no note of less denomination than five hundred francs, equal to one hundred dollars, and has always sustained a very high credit.

I have brought these facts into view, Mr. Chairman, still further to demonstrate the natural, the insuperable difficulty of a fixed ratio, and also to show how little the solvency of a bank depends upon the amount of specie which it may have on hand. It belongs to the credit system, in whatever manner

that system may be constructed, to be subject to occasional variations in its relation to the metallic basis of the country ; and no care of the Government can possibly remove the causes which may affect that relation. The true principle by which it is controlled is that which is suggested by the demands of trade and the amount of foreign debt—in other words by the state of foreign exchange. A demand for specie abroad will necessarily influence this relation at home. The precious metals will perform their office in the liquidation of that demand, in spite of all the care of Government ; and while they are so employed, the only safeguard which the domestic currency can resort to, is the prudent economy in the concerns of trade which the private judgment of every man suggests to him in his individual concerns when his affairs have been deranged by a too prodigal expenditure of his means.

Ours, sir, is essentially a credit system, gaged by gold and silver. To whatever disorders it may be incident, it is still that to which we owe our rapid advance to national prosperity, and we will never part with it for any promise of good from the hard-money scheme. We have been educated in the perception of its value ; it is domesticated in our homes ; furnishes our ordinary implements in the thrift of life, and has become constitutionally parcel of ourselves. Whatever may be its defects we take it with them in preference to any substitute. If it has its fluctuations, so has the pure metallic currency, not less hurtful than those of paper. The accumulation of a foreign debt would with that currency, as with any other, carry away the precious metals, and thus raise the value of all that were left behind. If a merchant import gold when the country is in want of hardware or cloth, gold will grow to be redundant and cheap, while hardware and cloth will become dear. A failure of a crop may stint the supply of credits abroad ; a foreign subsidy may take away a portion of your coin ; every cause which operates in this form will change prices relatively to the precious metals, as they change them in reference to good paper. It is commerce and industry and enter-

prise that produce these fluctuations ; a very small share of the evil is ordinarily to be ascribed to the nature of the currency.

In reference to this question of the ratio, it is proper to inquire a little more into the nature of what is termed the currency. It has been often contended here that the Constitution allows no currency but gold and silver. Sir, the Constitution makes no reference to currency at all. It supplies, as I have said before, the standard for all values, and that is all that it professes to do. It was manifestly so understood by its founders when Gen. Hamilton, in the first year of Gen. Washington's administration, issued his Treasury order to receive bank paper, and when, in one year afterwards, 1791, Congress ratified that order by positive legislation. The currency of the country, in the aspect of it which I propose to present, includes that whole mass of paper credits which are used in commercial dealings for the discharge or transfer of debt. It embraces promissory notes, bills of exchange, draughts, checks and other evidences of indebtedness. All of these, sir, by the theory of our Constitution, are as much payable in coin as the notes of a bank. They all profess to be convertible or redeemable paper ; yet no individual ever thinks it his duty to keep gold or silver at hand to meet such engagements. If coin be demanded, his resource is the bank ;—so that through this process the banks may be said to be under an obligation to provide for the convertibility of all this amount of paper. Compare the specie retained by the banks with the sum of all these engagements, and it will be seen that the ratio is not one-tenth—perhaps not a twentieth ;—and yet it is amply sufficient. In England, since the passage of the law making the notes of the bank a legal tender everywhere but at the bank itself, the directors have endeavored to establish the rule of keeping one-third of the amount of their circulation and deposits in bullion. They have not been very successful in this endeavor. That bank now virtually supplies the coin of the three kingdoms, and upon a basis of about ten millions sterling of bullion, sustains a bank circulation—

including all the country banks as well as those of Scotland and Ireland—not much short of sixty millions.

Sir, I would not have troubled the Committee with this uninviting detail of money statistics, if I was not aware that upon this subject many errors of opinion have obtained credit with the country during the last eight years ;—errors which I think may be distinctly traced to the sedulous efforts made by the last administration to persuade the people that an increased supply of the precious metals was essential to the safety of our currency, and that the Government itself, without respect to the laws of trade, nay even in direct counteraction of them, might compel their importation from foreign countries. This opinion, enforced with all the official authority of the executive, has engendered a brood of false doctrines, and the people have consequently turned to counting the coin as the only test of the prosperity of the country.

While such has been the course of the late administration, it is worthy of remark that the “follower in his footsteps” began his career with the declaration of the Constitutional disability of the Government to interfere with this department of our social economy, even so far as to correct the evils which the ill-judged and incessant interference of his predecessor had inflicted upon the country. Holding this doctrine of the present executive altogether indefensible, either in the reason of the case or in the face of established and invariable precedent, I think the people have a right to demand from the Government that the remedy proposed shall be broad enough to meet the whole extent of the disease.

I proceed now, Mr. Chairman, to trace out the further action of the Government upon this subject, and, in the course of this inquiry, to show in what measures of the late administration the mischievous opinions, to which I have just referred, were embodied as active principles.

From the earliest period of this Government the people have been accustomed to contemplate the banking system as a system, to a certain extent, under Federal control. Their expe-



rience of its beneficence, which has not been small, has invariably presented it to them as a system, partly within the management of the States, and partly directed by the power and interests of the Union. Twice only, since the year 1791, has this Federal superintendence been suspended, and at each of these epochs the consequences have been the same—an excessive increase of local banking, a total derangement of the currency, a succession of ruinous bankruptcies, and a suspension of specie payments. While the Federal control existed, these evils were unknown ; and as soon as that control was restored, they rapidly disappeared.

The banking system of every mercantile country, sir, presents, in greater or less development, two conspicuous principles of commanding influence in their respective spheres—the principle of alliance or centralization, and the principle of competition. These are more especially remarkable in the United States, where our political and commercial relations tend to give them great importance. The principle of centralization, notwithstanding the unfriendly comments by which it has been assailed of late, with a view to render it odious, is of singular value to our system. I am convinced that without it no system of banking could be devised which would be tolerated by the country—that with it our system becomes all that the public convenience or welfare demands. This country, sir, is divided, in reference to trade, into two great sections :—the first, embracing the whole North, may be denominated the commercial section ; the second, comprising the South, the producing section. The Middle and West are tributary to both. Nothing can be more happy for our social welfare than this natural division of our interests. In the beneficence of providence it seems to have been ordered as the great instrument of harmonious union to the millions who now inhabit and who shall hereafter dwell upon this immense extent of territory. The imports of the North are paid for by the purchase of foreign credits from the South. The great crop of the South, which is annually exported to England and France, produces

the fund upon which the importer draws for the liquidation of his foreign debt: the manufacturer, too, of the North purchases his raw material in the South. Thus is created a yearly demand, at an appointed season, for funds in the South. The importations of the North, being distributed far and wide over the whole country, in their turn, also, and at an appointed season, create a similar demand for funds at the point of import. The tide flows and ebbs with exact regularity—or, rather, this tendency of money-demand, like the monsoon, steadily drives for six months in one direction, and six months in its opposite, with a precision which enables every one to count upon its motion. At one season, some forty or fifty millions are needed in the South; but a few months roll around, when the same amount is needed in the North. It is impossible to conceive a state of trade to which that feature of the banking system I have characterized as the principle of centralization, is more indispensable than this.

A banking system under the control of one mind, diffusing itself to the extremities of the Union by a number of banks all in alliance, subject to the same government, and never acting in conflict with each other, but ever uniting to produce a common result—would seem to be the only machinery by which such a circle of trade could be advantageously sustained. The head of this system holds a position from which he has a view of the whole field of commercial action. He perceives at what point succors may be needed, and where the force is redundant. He has power to substract from the one for the relief of the other. When funds are necessary in New Orleans, and are no longer required at New York, the transfer is but a simple act of his will. When they have performed their office in the South, it is as easy to re-transfer them to their former position. Thus, sir, have the demands of that great internal trade been regulated with a simplicity and an effect wholly without a parallel in any other country on the globe. The power to accomplish this is the result of the prin-

ciple of centralization. Without such a principle all would soon degenerate into confusion.

We have, sir, six-and-twenty independent governments, sovereign as respects this question of banking, all capable of prescribing laws for its management, with the single restraint that they shall make nothing else than gold and silver a tender for the payment of debt. This restraint, weak as it is, is the only point of common obligation. They have no other compulsion towards concert nor other perceptible common duty to produce alliance or similarity of structure among them. Their policy in regard to this subject, is as various as the habits, manners and modes of thinking of the different States. One State, with a small population, but great capability, Mississippi for example, authorizes the creation of banking capital to the amount of fifty millions, and applies herself eagerly to the task of giving expansion to her industry in every shape in which she can employ it. Another State, Virginia, with treble the population of the former, and perhaps with resources equally abundant, erects a banking system which scarcely employs seven millions. It may be the wisdom or the caprice, the false reckoning or sober estimate of each of these States which have persuaded them to adopt a policy so widely different from each other. Mississippi may have overshot her mark, or Virginia may have too timidly kept herself below her power, still each has acted upon her own perception of her interest, and, it is obvious, without the slightest reference to the other. And so it is, sir, throughout the Union. A survey of the whole will show you the banking system of the States erected and sustained altogether upon local considerations, presenting every conceivable inequality in its operation. In one portion, distrust, caution and doubt fettering the industry of the State ; in another, emulation, adventure and hope tinging its enterprise with sanguine hues and leading, it may be sometimes, to extravagant excess. These several jurisdictions are no more capable of producing uniformity in banking, even if they were inclined to do so, than in any other matter of general concern

to the Union. As well might you expect the States, sir, by their fortuitous concurrence, to produce a uniform law of naturalization, the uniform organization of the militia, or an equal and properly apportioned representation in this hall, as to expect of them harmony and concert in their regulation of the affairs of trade through the agency of their banks. Let capital abound in one region, and the demand for it be ever so urgent in another, what State bank would be found transferring its funds to meet a temporary emergency growing out of such a cause? The States will necessarily be influenced only by the considerations which arise at home and have reference to their domestic interests. The want of uniformity might be harmless, if there was not also incident to this system, when left to follow its own impulses unchecked, not only a want of co-operation with other States, but often actual interference with them and counter action in their several concerns. Instead of moving under the constraints of a general system, their main impulse will be found in the principle of competition. This competition will be manifest in the legislation of State against State ; it will extend itself and predominate in the contest between city and city, and still more actively, on the narrower theatre at home, in the rivalry between bank and bank. The great instinct of this principle of competition is a hurtful one ; its tendency is towards excess. Two banks in the same village will run the race against each other. Each will strive to supply the neighborhood with greater facilities, to lend upon more attainable securities, to embrace a larger class of dealers, to lure adventure, as means abound, by still greater enticements. If a large circulation may be absorbed to-day, a still larger one, in the reckoning of these rivals in the race, may be absorbed to-morrow, the larger the circulation, the greater the profit. The feverish cupidity of avarice will perceive in such a course the road to large gains, and, while the banks pursue it, the last thought which will occur to the authors of these efforts, will be the consequences of this excited action upon the general welfare of the nation. Such,

sir, are the tendencies of the uncontrolled principles of competition in banking.

The action of a central power restrains and corrects these tendencies. A National Bank, under an efficient organization, has, if not an absolute, certainly a most decisive control over the value and amount of the local currencies supplied by the State banks. To say nothing of that most important action of a national bank upon the exchanges—by far the most useful of its functions—such an institution regulates the local currency through another influence of great value to the stability of the banking system. A bank sustained by the credit of the Government and strengthened by the deposits of the public moneys, cannot but enjoy the universal confidence of the nation. Its paper will necessarily be esteemed as of the best, and will be current in every avenue of business. Such a paper, sir, becomes a gage by which to measure the value of all other paper for which it may be exchanged. In that respect it holds towards other paper somewhat of the relation which the precious metals hold to itself. I know, sir, that it is a received and familiar proposition that a better currency will not circulate in the presence of an inferior one. This is true of coin—it is not true of paper. Coin will not circulate in the presence of a depreciated paper, because it may immediately betake itself to foreign countries, where it will command its value, or it may retire into private hoards, to be kept until a better state of things shall draw it forth into circulation. But when a bank is able to put forth an unquestionable paper, all of inferior value will disappear before it. The public will prefer that paper which enjoys the highest credit, and they will refuse all other while that is attainable. It is the interest and business of such a bank to render its paper at all times attainable ; its profit consists in supplying the public with a circulation which can neither be hoarded nor sent abroad. This paper, in fact, circulates upon its superior credit, and thus engrosses to itself, as far as its own volume will permit, the business of the community. It is, sir, by the influence of this



principle, that the paper of a national bank, fortified by the credit and resources of the Government, becomes a regulator of the value of all other currency in the nation ; it furnishes the gage or standard to which all local paper, in its own district or appropriate range, must conform. In this aspect, the central banking power may be said to constitute a great conservative element in the adjustment and preservation of a sound currency.

It is, Mr. Chairman, in the just balance of these two principles of centralization and competition, that the greatest efficiency and safety are given to our system. The central power alone might not be sufficiently observant and regardful of local wants ; in the greater profits of the more important operations of exchange, it might lose sight of sectional convenience, and of the wants of the lesser circles of trade ; the local banks will ply within these limits greatly to the advantage of themselves and of the public. On the other hand, the local banks alone, for the reasons I have given, would be found utterly incapable of fulfilling the broader functions assigned to the central power.

The necessity for this division results, in part, from the nature of our confederacy. The Federal power is essential to the control of all interests which expand beyond the limits of a single State, while the State power is well entrusted to the municipal regulations necessary to its own well being. The institution of banking, having a great and predominating influence over the currency of the country, rises in consideration far above a mere municipal concern, into one of the broadest national importance, and nothing has been found more authentically established in the experience of this Government, than the absolute necessity of imparting to the management of the banks a certain share of Federal supervision.

Mr. Chairman, I charge it upon the late administration, as one step taken by them towards the embarrassment of this nation, that they rashly and most unwisely deprived the country of the benefit of this Federal supervision over the currency, by

the destruction of the late Bank of the United States. Sir, that administration did not very maturely reflect upon the consequences of the destruction of the bank. They sinned against light, for it is evident that they recognized, to the fullest extent, the value and the indispensable necessity of this principle of centralization upon which I have remarked. Their whole course, in the early stages of that pernicious movement which has brought upon us our present disasters, attests their acknowledgment of the necessity of the Federal control through a central power in banking. When General Jackson first resolved upon the downfall of the bank, it was not to destroy the machinery of a national institution, it was only to build up another, as he believed, of a more efficient structure. His first messages reiterate again and again the necessity, the great utility and importance of a National Bank. The war against the bank was a war of individual hate ; its object was individual punishment. The pretext was an objection to the form of organization only ; a question of detail to be corrected in a new establishment. The Executive at that time, so far from repelling the necessity of the principle of this bank, engaged in the struggle to give that principle more scope and effect. And even afterwards, sir, when this strife between Leviathan and Behemoth ceased to be a contention of argument, and became one of passion, and when the victorious chief had turned all his malice to its direst account, and struck down his adversary, even then, sir, the principle was still avowed and promulgated that without a central power the currency could not be sustained. That central power was attempted to be fashioned on a new model, but out of old materials. It was the chief and most conspicuous design, in the celebrated experiment, to manufacture a great central or national control over the currency, out of some thirty or forty State banks, which were to be affiliated by a government contract, and clothed with all the Federal powers heretofore conferred upon the Bank of the United States. In fact it was designed, by this form of association, to erect a Bank of the United States, with all

the function of alliance and centralization of which the association was capable. And, sir, it was proclaimed to be capable of this function to as beneficial an extent as the bank whose term was just drawing to a close. It is not my purpose, Mr. Chairman, to occupy the time of the committee with a discussion of the value of this scheme of General Jackson and his cabinet, but I refer to it to show that, even up to the moment of the failure of the great experiment, embracing much the longer portion of the existence of that administration, the party in the ascendant were as fully imbued as I am at this moment, with the conviction of the importance of this central banking power, which it is now, in certain quarters, the habit of some of the same party and of the same men to portray in so many shapes of abhorrence and disgust.

It was the duty of the President, before he ventured upon the rash enterprise of pulling down the Bank of the United States, to be well assured that he could supply other machinery capable of performing the functions and rendering the services which the destruction of that institution might suspend. It was his boast that this new contrivance of the associated State banks would amply fill the space, and even more faithfully discharge the duties of the retiring bank than that bank itself had ever done. I need not recall the glowing promises of success which the administration poured forth with such lavish exultation upon the birth of their experiment; nor, sir, is it necessary to dwell for a moment upon the signal failure of that famous abortion—the first are written in every line of official communication which the self-complacent spirit of the President addressed, in a thousand forms, to the country upon the auspicious event—the last has been baptized in the tears of the nation. Sir, I have a right, therefore, to charge the last administration and its present followers with all the consequences which have flowed from this misjudged and ill-fated measure.

In following up the train of events that sprang from this movement of the cabinet of General Jackson, the next step was, if possible, even more mischievous than the first. It will

be seen, sir, in the course adopted in the employment of the State banks. One would have supposed, Mr. Chairman, that a statesman entering upon so fearful and momentous an experiment as that of 1833, would proceed, at least, warily and with some cautious reserve in the untried and perilous career before him ; that he would reflect upon the novelty of his position ; weigh its dangers, and, in shaping his course, rather incur the risk of being chid for too much discretion than taxed for his boldness. Far other than this was the characteristic of the advance of the late President to the difficulties of the crisis. When the public moneys were removed into the keeping of the chosen banks, instead of admonitions of prudence in the use of the public funds, instead of restriction or constraint, the administration made haste to order that these treasures should be scattered far and wide with a profuse indulgence. The depositories were enjoined to take care that no facilities be denied to commerce, but that the moneys on deposit be distributed as broadly and as liberally as the public convenience, the demands of trade, might require. Instead, sir, of advising the banks that, now the great regulating and controlling power being withdrawn, it became more urgently their duty to guard against that licentious issue which the uncurbed principle of competition must engender ; they were exhorted and commanded to let loose the fullest play of that rivalry and drive their headlong course as swiftly as their appetite for gain might prompt. The President, sir, was not left unadmonished of the inevitable end of this mistaken policy. Here in this hall, and in the Senate, he was told to what result this madness must impel the nation. From all quarters the same prophetic warning was poured into his ear : and all thinking men, everywhere but in the executive mansion, foresaw the certain disaster that awaited the experiment.

Sir, at this time another element concurred to render the experiment more mischievous. The President's veto had announced to the nation the entire hopelessness of obtaining a renewal of the charter of the National Bank. Upon that

subject he was peremptory and emphatic ; and the States, being thus assured that the bank was to expire, were invited to increase their banking capital. At once, as by a common impulse, every State in the Union set about enlarging its means of banking. The pretext was the necessity of supplying the vacuum of capital to be occasioned by the extinction of the National Bank. Under this pretext, nearly four hundred banks and one hundred and ten millions of capital were created between 1834 and 1838, while, at the same time, that bank whose extinction furnished the plea for this increase, was not withdrawn, nor was its activity in business even diminished, but on the contrary yet lives and thrives in the full possession of all its capital,—and is likely long to live and thrive. The activity imparted by these measures to the banking system of the country soon began to be felt in western speculations in the public lands, and it became apparent, at an early day, that the public treasure would be greatly augmented through this channel. Sir, in view of such a result, and with a learned forecast of the disturbance the event was likely to produce, the wisest man among the counsellors of this nation, the most effective and trusty of her statesmen, brought before Congress that great measure, the bill for regulating the distribution of the public lands. By a fatality which signalized the career of the late administration and invariably impelled it—whenever there was a choice between right and wrong—into the wrong path, the President thought proper to put his veto on this measure, and thus convert the whole proceeds of the sale of the public domain, which properly belonged to the capital of the nation, into the ordinary revenues of the Government,—eventually producing some forty millions of surplus which in its course of production, was fed by, and contributed to feed, the local banks and to turn all the currents of ordinary commerce away. Instead of restraining the accumulation of revenue, which prudence would have suggested as essential under the new system of deposit, the President took every step in his power to augment it, and to



distribute it in the most unwholesome manner his opportunity allowed : it was accomplishing the worst possible purpose, in the worst possible way, and extracting the greatest amount of mischief out of the most mischievous thing he could devise. I, therefore, again lay it to the account of that administration, as in part the cause of the present embarrassments, that it built up that disproportion and ungoverned system of State banking which has been found so injurious, and nurtured that system by the unhealthy and unnatural stimulus of excessive treasure unwisely accumulated in the manner I have described.

Mr. Chairman, it is easy to understand how prompt and expansive must have been the effect of this artificial animation of the money-action upon the general concerns of trade. It quickened business in every department of life and greatly increased consumption. The consequence of this was to increase importation—not by over-trading, but by increasing the demand. And then, sir, prices naturally rose. Every thing that was bought was sure to sell at an advance ;—you might scarcely go wrong in a speculation. Trade, traffic and adventure spurned their old and sober channels. They fell into the hands of new men, and dealt in new commodities. The farmer turned from his plough, and the mechanic from his tools to become lords of boundless acres and the founders of towns and cities. People became extravagant in their habits of expense and rioted in the imagination of riches infinite. France was not more mad in the wild frenzy of Law's great scheme, than were our people in this revel of fancied wealth.

At this epoch another movement was made—the most extraordinary of all the blunders of that eccentric and wrong-headed administration. I scarcely know in what language to characterize the pre-eminent folly of the measure with which General Jackson attempted to check the evil inclinations of this period. I have before said, Mr. Chairman, that about midway in the career of the experiment, the President fell upon the hard-money scheme. Towards the end of the year 1835, there were few men around him who did not perceive

that the ultimate failure of the experiment was not altogether so impossible an event, as the first boastings of its author might have warranted them in believing. The President himself, it is very clear, began to believe it probable. It was the thought of the moment, the instinct of cunning, which prompted him to take shelter against the disgrace of failure, in that new device of bringing the nation to the constitutional currency, the pure metallic system. We all remember how suddenly this change came over the land ; and we can never forget the efforts of General Jackson to discredit the paper system which he had just matured, nor his strenuous exertions to introduce coin into the country. Sir, his success in these endeavors has been the chief topic of his glorification. The frequent plaudits of his flatterers are still ringing in our ears with the boast of the treasures he had amassed ; and even now, they have not ceased to render tribute to his renown in this achievement. This Sub-Treasury bill itself is but another act of mean homage offered up to him in that same shallow glorification—it is part and parcel of the trickery by which a name has been sought to be canonized, and a party enabled to sustain its dynasty of imposture. I beg, sir, to call the attention of the committee to these measures for increasing the supply of the precious metals, and for retaining them in the country.

First, it was promulgated, after Mr. Gouge, and almost in the terms of his book, that it was essential the specie basis should be widened by excluding from circulation all bank notes under the denomination of one hundred dollars, or at least of fifty. This notion was embodied in the treasury contracts with the banks, and finally in the currency bill of 1836 ; it was to be carried out by degrees, beginning with the exclusion of fives, then of tens, and so onward to the ultimate term. I will not stop, Mr. Chairman, to inquire into the policy of this measure. It has proved itself to be impracticable, and is therefore merely nugatory ; but I may say, in a word, that if the object in view were to render the bank circulation more stable, by fortifying it with a strong deposit of the precious

metals, it would seem to be, at least, a very doubtful mode of accomplishing that object, by compelling the community to abstract these metals from the banks as the only medium of payment under the amount to which paper, according to the scheme, was to be confined. My purpose is with this next, the great feature in this hard-money movement.

We were creating debt abroad. The activity of speculation, to which I have already alluded, had enlarged the demand of the country for commodities of foreign production as well as of domestic. Prices were on the increase. Such, in brief, sir, was the state of things at home. A prudent government would have feared a foreign debt and taken some cautions against its increase. Not so, Mr. Chairman, with ours. It was proclaimed as the great ambition of the President, his paramount wish, that the precious metals should be made to abound. New mints were provided for. In the language of a conspicuous Senator, famous in the annals of this movement, it was prophesied that "gold was to swim up the Mississippi in a never failing stream." The agent of the deposit banks, as a certain semi-official functionary (Reuben M. Whitney) was then called, had orders to communicate to the whole circle of depositories within his charge, that it would be agreeable to the President to learn they concurred with him in the propriety and importance of making large importations of specie from abroad. The hint, sir, was not lost. It was not the temper of the deposit banks to frustrate even the whim of the President in those days—and so they all set about the work of importation. In the mean time, the President himself turned importer of specie, and the indemnities were ordered home, at great sacrifice, in gold. Individual merchants were prompted, through the same influences, to engage in the same operation. It is a little remarkable, in the change of times, that those who now quarrel with a State bank for purchasing cotton *to pay* a foreign debt, should then have seen no harm in forty banks or more turning merchants and importing gold and silver *to create* such a debt. The amount

brought into the country from Europe, in the year 1835-6 has been estimated above forty millions of dollars—more than thirty of which came from England. How much was imported from South America and other foreign countries we have no means of knowing ; undoubtedly the amount was considerable. Sir, with the exception of the indemnities, nearly the whole of this vast amount of coin was brought into this country at the expense of a debt, to the same amount, to the people from whom it was obtained. It swelled the already accumulating balance against us. It was brought here in forced counteraction of the laws of trade—against the principle which regulates supply and demand—in absolute hostility to the interests of our commerce. At the very time that it came here, we should have been retrenching expenditure and lessening the foreign debt instead of increasing it. Our currency did not require this aid ; we had in the country even more specie than, in past times, had been found necessary to the safest condition of our paper issues. As the balance of trade, or the state of foreign indebtedness which would have required remittances to England was against us, so also, sir, as between the Atlantic States and the West, the balance was, in like manner, against the West, and the course of trade required remittances of specie from the West to the Atlantic. In fact, the whole tendency of exchanges, from the remotest western border, was eastward even until they crossed the ocean. In this juncture, the President was not only so absurd as to direct the importations I have spoken of, but to go a step farther and, by the only means in his power,—means which an accident had put at his disposal, and which in a thousand years he might not have had again,—to check and countervail the current of domestic exchange between the West and the East. This he accomplished by an act similar in character to the importation of coin from abroad ;—it was done by the instrumentality of the Treasury Circular. The rage of speculation in the public lands had already carried eastern credits to the West, and brought that region largely in debt to the eastward ; and at

the very time when the people of the East were looking anxiously to the settlement, the circular was interposed, professedly with a view to carry specie to the West and keep it there, lest it might obey the laws of trade and go where it was wanted, and where it could have afforded relief to the unnatural pressure which this most unnatural course of Government interference had produced.

Mr. Chairman, in all these measures the first instincts of the people and of their representatives were true to the suggestions of good sense and the national interest. The prevalence of these instincts was only suppressed by the dictatorial authority and mischievous popularity of the Executive. The bank was rechartered by Congress; the removal of the deposits was forbidden by Congress; the Land Bill was passed by Congress, and the Treasury Circular rejected by it. Yet in each of these four cardinal measures—the fountains of all the ills the country has lately suffered—the Executive will has outweighed and despised the Legislative judgment; and by that will alone, defying all other authority in this land, have these measures been enforced.

Well, sir, the day of reckoning came. As money poured into this country from abroad, it increased our banking basis, and therefore increased also the paper circulation. The abundance of money raised prices to a correspondent height. Forty millions added to our specie circulation could not do otherwise than augment our prices. If our trade were confined to a domestic circle, if we had no concerns with foreign nations, such an increase of price, being gradual, would cause no very signal distress. But we have a great Southern staple which seeks its chief market in a nation from which we import large amounts of goods, and which goods, being generally ordered in advance of the export, are designed to be paid for with funds arising from that export. As nearly as it may be counted on, our importation from England is graduated by the expected value of the cotton export. By the operation of our money-system the cotton had arisen to its highest price. The factors



of the Atlantic had purchased the crop at these high prices before it was gathered—even, in some instances, as I have understood, before it was grown. It was paid for chiefly, I presume, by a small advance in money, and in notes at long dates. The planter had used these funds in purchases of land and negroes, at correspondingly high prices, and had stipulated to pay, as his factor was to pay him, partly in money and partly in notes. And so the series of engagements went onward into other classes of society.

In England, sir, the very reverse operation was now about to take place. That country had become disturbed with our apparent prosperity. The fame of rich investments in America and heavy rates of interest, and of the harvest of speculation in our public lands, had lured hither large amounts of British capital, a great deal of which also came in the precious metals. This drain of funds from England began to produce alarm, as soon as it was seen that our Government had interposed itself to prevent the adjustment of the mercantile balance. Apprehensions were even expressed there, that the Bank of England might be driven, by these demands upon the national coin, to another suspension of cash payments. It was a measure on the part of that bank and of the English nation, not only of retaliation, but of absolute self-protection, to bring values to the standard of the actual state of her currency, that currency reduced to its proper relation with the precious metals. In other words, while prices in the United States were rising to the standard of our large paper issue, they were falling in England to the standard indicated by the state of her diminished coin. To accomplish this reduction in England, the bank raised the rate of discount one per cent. in June and July 1836, and thus produced that curtailment which immediately brought down the prices to the desired rate. The effect of the operation was to throw a loss upon the shippers of American cotton of some five or, even perhaps, eight cents a pound. The factor in New Orleans was the first to be struck down, and after him, in rapid succession, all his dependencies on-

ward to the planter, the land speculator and the thousand others standing in this connection, came to the ground with a general crash. The importing merchant was now made aware that where he looked for foreign credits there were none to be had. The cotton crop, instead of producing eighty millions in England, did not produce over fifty, and all who had counted on this source for foreign funds were, of course, disappointed. The embarrassments of the importer turned him back to the country dealer for funds ; the rise of exchange compelled him to seek coin for remittance, and, at every step in his search for coin, he was met by the Government, a busy intermeddler, shutting up the avenues of trade and obstructing the only channels of relief.

The Government had for some time been crying out against the banks, as the sources of these approaching evils, and the people, especially the more uninformed part of them, looking only at the confusion which they saw in the currency, joined in the cry against the banks, and commenced that run upon them which in the end resulted—as everybody except the Executive had foreseen this whole movement must have resulted—in the suspension of specie payments.

That suspension, I think I have shown, Mr. Chairman, originated in the pernicious measures of the administration. It was brought about by the unskilful and unwise policy of importing the precious metals at a time when the interests and demands of trade set in an opposite direction. It more immediately came from the extravagant speculations of a class of persons not connected with the regular operations of trade and commerce. In such a convulsion, the prudent and the wise suffer their share of affliction as well as the thriftless and the unwary. Wealth, industry and circumspection are no safeguards against such a calamity when the calamity has once found footing in the nation. I do not believe, sir, that in the ordinary channels of regular commerce, there has been any over-trading or over-banking—I have seen no evidence to induce such a conclusion. On the contrary, our merchants and

our mercantile banks have conducted themselves through the difficulties of this alarming crisis with prudence, moderation and wisdom worthy of all praise. The attempt of the present Executive to throw the blame of these disasters upon the merchants, is an act of such gross injustice and wickedness as to entitle it to the scorn of all honorable men. It is a base effort to screen the authors of our calamities from that indignant censure which their misdeeds have long deserved. The admirable patience, fortitude and fidelity with which the merchants of the United States addressed themselves, in these late trials, to the task of sustaining the national credit and good faith, have not only won for them the applause of their countrymen, but have drawn forth the spontaneous and cheerful tribute of panegyric from all nations with whom they hold intercourse. It has been uttered in the British Parliament from the lips of impartial statesmen, in language which has found a response throughout that kingdom; and it will not be forgotten here, sir, as long as America shall take pride in the integrity and honorable bearing of that intelligent and patriotic class of her citizens. The charge was made in a spirit which does no honor to its author, and will be ever regarded as the subterfuge of a baffled politician, seeking to find a scapegoat for his own offences—and selecting that body for his purpose whose numbers may be supposed to render them the least available of all others in the State, in the electioneering contests for power. The truth is, sir, that the late administration and its successor have waged a war against the banks and the merchants, which has resulted not only in their overthrow, but in deep and lasting injury to the greatest interests in the nation, without producing a modicum of good, unless it be in the lesson it has taught us to avoid such follies in time to come. It has of late become the fashion to deny these hostile sentiments of the administration against the banks. I am glad to see it, sir; it is an indication of an approaching change of policy—it is a sign of contrition for past offences. It is nevertheless true that such a war has been waged, and that a

bitter hostility has been evinced by the Executive against these institutions, and even now, sir, is secretly felt, although not openly avowed. Gentlemen on this floor have asked for the proofs of this hostility. To say nothing of that Trojan war between the bank and the late administration, with all its artillery of denunciation, they may find the proofs in the common cant of the day against what is termed monopoly, in the incessant assaults which, of late years, have been directed against all corporate bodies and chartered rights, and in the debates of every State Legislature, where the administration party have had a voice. They may find the proofs in the daily diatribes of the *Globe* and of the thousand slave presses whose feculent sheets are employed to scatter far and wide this *Globe* poison. They may discover evidences of it in the proceedings of the Pennsylvania convention: sir, it was predicted, foredoomed and instigated in the famous letters of Dallas and Ingersoll; it was not less conspicuously exhibited in the letter of last July, from the Hermitage, upon the occasion of the suspension; we had some inklings of it even in that abortive farce of a revolution attempted in Maryland; and latest of all, sir, we have seen evidences of it here on this floor, on a very recent occasion, in the almost frenzied gesticulation with which a gentleman conspicuous in the ranks of the administration (Mr. Rhett) denounced woe to all those who deal in banks or sustain their cause—woe to come in threatened popular vengeance, even to the down-pulling of the public edifices, the overthrow of social order and the peril of the domestic hearth. These, sir, are some of the proofs of that war of the administration against the banks: let gentlemen point me to any evidence of hostility from the banks against the Government of which so much has been said in this debate.

Mr. Chairman, I have presented to the committee what I conceive to be the leading events in that train of government policy, to which the nation is indebted for all it has suffered. I will beg to say a few words upon the nature of the remedy

which, in my judgment, this retrospect suggests as the only one appropriate to the case.

In the first place, I wish to see a solid and permanent resumption of specie payments as speedily as that can be accomplished ; and I am fully convinced that this bill would not only retard the resumption, but render its continuance even a matter of great uncertainty.

In the next place, I wish to see the creation of a National Bank,—believing that to be the only possible device or instrument by which we may hope to establish and maintain a good currency in the country. Sir, I am persuaded that the greater part of the people of the United States now entertain this conviction, and that, day by day, as we grow older in experience, that conviction will be extended. Nothing can be more artificial than the public sentiment which has been conjured up against such an institution. That sentiment was fabricated here, at Washington, and circulated under the auspices, and by the force of party dictation, without even the semblance of consultation with the people. I cannot for a moment doubt that if the deliberate opinion of the country upon this question were polled, after every man had made himself acquainted with the real nature and value of the proposition, nine-tenths would give their suffrage in favor of a National Bank. I speak not, sir, of the late Bank of the United States—although I know nothing to the disparagement of that institution—but of such a bank as may be matured by the wisdom of Congress, guarded by such provisions as past experience may have demonstrated to be necessary, and clothed with all the powers requisite to the discharge of that great national function which I have attempted, in the course of my remarks to explain. Such a bank, sir, I repeat, would meet, if I do not greatly mistake the judgment of our day, the approbation of by far the larger portion of the citizens of the Union. There are many, sir, I know, who entertain constitutional scruples on this question. They belong to a hopeless race of men who must live out their day, and leave the settlement of their doubts to another generation. I



will not argue with them. To the gentlemen from Virginia, especially, I say, that I will not consent to moot constitutional points with them ; it is encouraging them in a vicious habit which has already sufficiently retarded the growth and power of that venerable Mother of States. Let Virginia give up her dialectics, renounce her spirit of dissertation and debate, and betake herself to commerce and manufactures : let her do this and thrive ; let her still neglect it, and it may be her fate—(here Mr. Wise added—to die of an abstraction) —I adopt the gentleman's expression, though I hope a better destiny awaits her—"to die of an abstraction."

Sir, the efficacy of a bank in the regulation of a currency has been conceded on all sides. The late administration, in all its zeal to destroy, was obliged to concede it. The history of the war against that bank is full of acknowledgment of its usefulness to the currency. When Gen. Jackson first assailed it, he endeavored to sustain his opposition to it on the plea that it had failed to perform this function of regulating the currency to the satisfaction of the country. He was signally defeated in this position by his own friends. The charge was referred to the investigation of both Houses of Congress. In both, committees were raised of the ablest men in the nation, strong, devoted friends of the President : their reports are among your records—they give the most explicit and unqualified contradiction of the President's allegations against the usefulness of the institution. No one will suspect the late Governor of South Carolina, Mr. McDuffie, nor the present Mayor of Baltimore, Gen. Smith (the respective chairmen of the committees of the House and of the Senate on this inquiry), of a disposition, at that time, either causelessly to discredit the President's opinion, or to misrepresent the value of the bank—and yet their reports were full and conclusive on the question. Ever since that time the ground of attack has been changed, and now, instead of affirming the incompetency of a bank to perform the duties assigned to it with advantage to the nation, the whole stock of party vituperation and all the oratorical

pruriency of party declaimers, are exhausted in painting the danger of such an institution to public liberty, and in fearful summonings of the terrors of the money-power.

It is odd enough, Mr. Chairman, to hear these appeals to the frightened imagination of the country against this phantom of the money-power, urged, if not by the gentleman himself, at least by the friends and coadjutors of the gentleman from New York (Mr. Cambreleng), who has lavished such encomiums upon the new Free Banking of his own State ; that system of banking which is not to supercede the old, but which is to reinforce it with additional means,—a cumulative, auxiliary system of banking without stint or limit—

“ giving its sum of more  
To that which had too much,”

and intended to increase the money-power of New York far beyond the utmost limit heretofore assigned to a National Bank.

What is this formidable money-power that has so disturbed the fancies of gentlemen here, and the equanimity of the nation? Our laws recognize no distinctions of rank or class among our citizens. We have secured the rights of property as cardinal in our social constitution. It is well appointed that labor, diligence and skill shall have their reward, and that reward be preserved inviolate from aggression. Under this protection, this whole nation of working people has grown up into a marvellous power of combined wealth, intelligence and comfort unexampled. It is of the nature of wealth to attain *social* power and influence : it is a valuable feature in our system that it should do so ; but every one must remark how small is its tendency, how inadequate its efforts to obtain *political* power. The jealousy of wealth, the watchfulness of its assumptions, the common suspicions entertained against it, almost amount to a popular proscription of its hopes, for political elevation, and even strip it of the influence to which it is justly entitled. “ Whoso”—says a nervous English writer—“ has sixpence, is sovereign (to the length of sixpence) over the whole world.

He commands cooks to feed him, philosophers to teach him, and kings to mount guard over him—to the length of sixpence.” This, sir, is an epitome of the money-power. It accumulates social comfort and social strength: it makes men and states more happy, prosperous and impregnable from without. Would you seek the external manifestation of that power, you shall see it, sir, in the subdued wilderness of our frontier; in our great rivers cleft by the keels of a thousand steamboats; in our plains and valleys as they yield their tribute to the labor of husbandry. You shall witness it in the smoking forges of the West, and in the swift shuttles of the East; in the cities, towns and villages which adorn and enliven the land; in our churches, hospitals, colleges and schools. You shall note it in the quiet and substantial homesteads of our people, and in the happy faces that gather around those firesides, such as the like may nowhere else be found. You shall hear it in the carol of the ploughman as he traces his furrow, and in the blithe song of the sailor-boy, at the masthead, when he plies his voyage to the remote shores of Europe or Asia; in the heavy-creaking wagon, the flying steam-car and the rattling stage-coach;—in short, sir, you may hear and see it in all the avenues where trade and industry ply their busy and profitable thrift. It is the secret, the miracle of the might of this Anglo-American man! What is there to dread in it?

Mr. Chairman, I turn from these considerations to a review of the bill before us. The friends of this measure affect to believe that our long-established system of banking was principally objectionable from the instability of the currency which it created, and from its power of producing panic and pressure upon the country; they declare themselves unwilling to entrust the public treasure to the keeping of any such agency, holding it to be insecure; and they present us this bill as the corrective of each of these defects. They speak, sir, of the patronage and influence of the banking system with a disinterested horror, and boast that, by this new contrivance of a Sub-Treasury, they clip the wings of patronage and reduce it to in-

significance. Let us examine this bill to ascertain how far it realizes these promises.

I think it may be assumed, from the fact of this question being pressed upon the House after the repeal of the Treasury Circular, that it is the purpose of the administration to revive that circular with even a broader scope than it had before. Indeed, sir, this bill itself provides for a gradual substitution of gold and silver for paper in the payment of all public debts, and designs ultimately to reject all paper. I take it for granted, notwithstanding this specie clause was struck out of the Senate bill, it is not to be struck out here, and that we are eventually to have the policy of the specie circular renewed and extended. In that view, I beg leave to invite the attention of the committee to the eventual operation of this measure. Your revenue may be rated at some thirty millions. These are to be paid in gold and silver, and placed in the custody of the receivers or other officers of the treasury. How are they to be distributed? The Government will have disbursements to make to the full amount, perhaps, of the revenue; but the coin, sir, will be but partially used in these disbursements. The Treasury will draw warrants, drafts, or orders on the fund, which may be put forth to any amount, of any denomination, and in any form, that the Secretary may choose. They will be printed on bank paper and engraved with all the exterior symbols of a bank note, and may be adapted to circulation, as money, to any extent that the head of the treasury shall direct. These drafts will constitute a circulating medium, and the Government will so far become a *bank of circulation*. That this paper will be safe, no one will deny: the objection to the system does not lie against the stability of the paper, but it does lie most cogently against the power which this faculty of making paper shall give to the Executive. Such a paper kept in circulation may ultimately represent the whole revenue of the nation, while the coin upon which it is issued, or a great part of it, will be locked up in the Government custody. The Government refusing to receive any thing but coin for public dues,

will render coin at all times a subject of mercantile demand, and will thus establish a current of business, the effect of which will constantly be to act upon the banks of the country and to keep them stinted in their supply of the precious metals, or, at least, ever in apprehension of this drain upon their money-resources. The city of New York, sir, collects about ten millions of the revenue. This amount, according to the system, is to be entrusted to the hands of one man. It is not at all impossible to administer this proposed law in such a manner as to collect the whole ten millions in specie, and retain that sum in the city of New York. The amount of gold and silver employed to sustain the bank circulation of that city is usually, I believe, but little above three millions. That coin would be drawn into the hands of the receiver, leaving the banks either under a compulsion to import specie from abroad, or to become supplicants for its restoration by the Government. The 11th and 12th sections of the bill give the Secretary power to transfer these funds from any one point to any other, at his own discretion. In the execution of this power he may, in a day, drain the city of New York or Philadelphia, Boston or Baltimore of the Government deposit of specie, or equally, at his pleasure, accumulate the whole at either of these points, producing scarcity or abundance, exactly as it may gratify his purpose of reward or punishment, his political favoritism or displeasure.

The Government has now, sir, some five millions to pay in Florida. Suppose the same obligation in existence with this bill the law of the land. The five millions would be drawn in warrants payable in New York. These warrants would be sent to the South just as exchange was valuable on the North, and every warrant would be a bill of exchange, salable at a premium. The Government is thus converted into an exchange merchant, making its profit according to the rates of the day. Even when there is nothing to be paid for public disbursements in the South, still may the Secretary, under this bill, draw his warrants on northern funds, and throw them into the southern market, to take advantage of these operations of ex.



change. Every one must see, Mr. Chairman, that the powers conferred by this bill, and the absolute control of the disposition of the Government revenues, are neither more nor less than the machinery which shall constitute the Executive a great national banking power, with faculty to furnish circulation and deal in exchange, to the full amount of the fund at its disposal. It is an easy step, sir, to get the privilege, on any casual pretext, of issuing, as we have lately done, Treasury notes to some large extent, and you have, in the result, the banking power carried out to its utmost scope.

Is there no field here, for party favor? What shall be the rates of exchange? Shall not the Government sell below par to one man, at par to another, and above to a third? Who shall prevent it? We may easily imagine the inducements which might persuade a Government agent to gratify a political friend, or disappoint a political adversary in these dealings. Yes, sir, and we may imagine, too, the motives that may arise to punish a whole city obnoxious to Executive displeasure, by removing the deposits or withholding exchange, and to reward another more complaisant in its feelings and respect for the higher powers. The enginery is here which may serve this turn to any extent. This power of transfer contained in the 11th and 12th sections of the bill, is an admirable machine to produce obedience and submission, and I will undertake to prophecy that if this bill be passed, the Government will have no cause to complain of the refractory demeanor of the fiscal agent at Portsmouth. I am still, sir, so unreformed by modern schooling as to think that, in the concerns which relate to trade and currency, it is much safer to confide in the integrity, the habits of business, the intelligence and interests of a board of merchant directors, than incur the hazard of the selfish and obsequious spirit, the alien temper and unskilfulness of a mere political functionary.

Mr. Chairman, if the revenue is not to be collected in gold and silver, but, adopting the policy of the new Treasury order, it is to be received in bank paper, the power conferred by this

bill is still more mischievous. Suppose, sir, the ten millions of New York to be received in the notes of specie-paying banks, what will be the result? You will have a Government agent in that city continually clothed with the power of visiting the banks, according to the caprice of Government dictation, with the demand for coin ;—one hundred thousand dollars exacted to-day from one bank, another hundred to-morrow from another ;—indulgence and forbearance extended to one and denied to another. The price of this favor we may be at no loss to conjecture—obedience, implicit obedience to the pleasure of the Executive. What would be the effect of such demands? Why, sir, immediate action on the whole circle of customers of the bank. A sudden call for a large amount of coin requires curtailment of discount and pressure upon the debtors of the bank. Can you conceive, sir, a more potent engine of panic and commercial distress than this power of demanding coin? And yet, sir, it is not only conferred by this bill, but it is essential to the system that it should be exercised. Nothing can be more absurd than to suppose all this apparatus of the Sub-Treasury erected to preserve bank paper—the very foundation of the system, as I remarked at the outset, is the collection in coin, or the conversion of the deposits into coin.

The power of combining against a bank to draw its specie, even in ordinary circumstances, is one which excites alarm. The difficulty of such combination, as well as the disinclination of the public to abstract the coin, is the great protection of the banks. But here, sir, we have ready made to our hand an agent, with all this power of combination in his single self and in its worst shape ; an agent, too, holding no interest in common with the community, unsympathizing, cold-blooded and heartless as regards their wants or wishes—whom it is his prerogative and office to disturb and distress as often as his own or his master's fancy shall impel him. I put no trust in such functionaries. I do not even, sir, like the name which this bill gives them—these Receivers-General. I remember an

anecdote of Voltaire which somewhat prejudices me against the tribe. A circle of the friends of the philosopher were passing a winter evening at Ferney. It was proposed to beguile the time by telling robber-stories. Everybody had invented his tale ;—Rousseau had told one of thrilling horror. When Voltaire was called on, he began as follows : “ There was once upon a time a receiver-general — my friends, I have forgotten the rest.” It was unanimously voted that this was the greatest robber-story of all. I fear, sir, these Receivers.

I think, Mr. Chairman, it is very obvious to calm reflection, that this Sub-Treasury scheme will entirely fail in the accomplishment of any promise which its friends hold out :—that it will weaken and render more unstable the currency of the banks ; that it will rather furnish means and occasion for panic and pressure, than remove them ; that its patronage and influence are infinitely more formidable than those of the bank ; and that its pledge of greater security to the public treasure is altogether illusory ; that, in short, it proposes a new system for regulating the public moneys, clumsy and awkward in its detail, highly inconvenient to the commerce of the country, dangerous in the powers it confers upon the Executive, and most mischievously hostile to the safety and usefulness of our banking system.

In addition, sir, to these objections, which are suggested by the views the friends of the bill have taken of its character, and upon which I have forborne to dwell with more than a passing notice, I have a still deeper aversion to it founded on the general principles, in regard to the currency, which it was my principal object to illustrate in this speech. It fails to erect, in any safe or useful form, that central power of Federal control which I think essential to a permanent and sound currency ; it also furnishes an artificial necessity for occasional Government influence or direction in the importation of the precious metals—an influence altogether pernicious in its character. For these reasons, sir, I utterly abhor and reject this bill.

## SPEECH

ON THE BILL MAKING APPROPRIATIONS FOR THE CIVIL AND  
DIPLOMATIC SERVICE FOR THE YEAR 1839. DELIVERED  
IN THE HOUSE OF REPRESENTATIVES, FEBRUARY 19,  
1839.

THE bill making appropriations for the civil and diplomatic service for the year 1839 being under consideration, in Committee of the Whole on the state of the Union ; and the question being on the amendment to strike out the appropriation for the pay of the Commissioners of the Navy—

Mr. Kennedy addressed the Chair as follows :

Mr. Chairman : When I obtained the floor at the close of the last sitting of the committee, it was not my purpose to address my remarks particularly to the amendment under consideration. I wished to carry the debate into a wider field, and to look at the general condition of affairs under the present administration.

It seemed to me that both the time and the mode of abolishing the Navy Board, which was the design of this amendment, were singularly inopportune. The House had neither the information proper to its action in this matter, nor the leisure, so near the end of the session, to give the subject the consideration it deserved. The debate itself has disclosed the want of accurate knowledge essential to the just determination of the question, and has demonstrated, I think, the impropriety of acting upon it at the present time. It is true, great complaints are abroad against the efficiency of the Board, and opinions unfavorable to its continuance are enter-

tained by many judicious persons. I am not insensible to the weight of these opinions, and incline, in advance of all inquiry, to think that the duties assigned to the Board might be more advantageously discharged under individual supervision. As a practical rule, I would rather intrust to a single head those functions which require much energy and judgment for their performance, than to any board, no matter how intelligent. Still, sir, this is a question of experience ; and I should be loath, on the instant, to assail an organization which has been in existence for twenty years, without the amplest investigation and advice. I am glad to see that the House has fallen into this opinion. The resolution submitted by the gentleman from Virginia (Mr. Mallory), this morning, and adopted by the House, referring this question to the Secretary for a formal report at the next session, indicates a design to act only upon full information, and, for the present, must dispose of the amendment.

I concur, Mr. Chairman, in the remark which fell from the venerable gentleman from Massachusetts (Mr. Adams), that much of the complaint which has been raised against the Commissioners of the Navy, would perhaps, upon examination, be found to lie more justly at the door of the head of the Navy Department—even, perchance, of the President himself. It seldom happens in a well-ordered Government that the subordinates fail to perform their duty when they have an efficient head. The navy has been sadly in want of direction for the last four or five years. No branch of the administration has been so much left to chance, or to the guidance of a feeble hand ; and it is, therefore, not to be wondered that complaints should be rife against the management of this Department of the service throughout all its branches. Something, sir, of the common discontent which is said to exist against the Board is due to this cause.

I still more cordially agree with the remark of the same honorable gentleman to whom I have just alluded, that a thorough examination of each and all the Departments of the



Government would lead to results eminently beneficial to the public welfare. Never was there an administration, in this country at least, or perhaps in any other, more likely to reward the toil of those who should devote themselves to an investigation of its doings. From the *glimpses* of abuse with which we have occasionally been favored, we may infer a great amount of concealed malversation.

Sir, we know nothing of the real condition of the Departments, but from these *glimpses*. The people are permitted to learn only by accident the state of the administration concerns. Now and then some pampered favorite of "the party," some conspicuous and much-trusted friend of the ruling power, perpetrates a larceny and flies—and the fact, too notorious for concealment, bursts on the public view : now and then a defaulting sub-treasurer grows contumacious to the reiterated supplications and prayers of the Secretary, and prefers exposure with its profits to settlement and the smiles of the chief—and thus again the people are indulged with a *development* : now and then, upon the calls of this House, in flagrant cases, which not even party hardihood can brave, some reluctant confession, beyond the art of stratagem to evade, is vouchsafed to the nation—and we again get *glimpses* of the truth.

It seems indeed, sir, to be a premeditated plan of "the party" in this House to resist, upon various pretexts, these calls for information touching the conduct of the Departments in matters where abuse may be supposed to exist. It is now six weeks since I myself—having reason to believe that some irregularity at least—some extravagance perhaps—or some favoritism existed in the manner in which the supplies of articles, *not enumerated or reported in the yearly published contracts*, were furnished to the different navy yards—submitted a resolution to call on the Secretary for information as to the prices at which these articles had been procured during the past year. It did not enter into my thoughts, when I submitted that resolution, to charge any officer of the Government with inten-

tional abuse : I knew nothing calculated to awaken suspicion, except that very extravagant prices were alleged to have been paid ; and I did not doubt that the House, respecting the obvious motive of the call, and acknowledging its propriety, would have treated it as an ordinary movement of sound and wholesome legislation—that the call would have been granted, sir, as a matter of course. Yet, it was refused, not by a direct vote, but by a refusal *to suspend the rules* ; as if the House could not afford the time from other business for this light matter. I renewed my motion day after day, praying the House to grant me this favor. Other resolutions were taken up and passed, by the suspension of the rules, almost every morning of the session ; mine was always refused, and refused at every trial by mere party votes. I found very early that the proposition excited uneasiness among some prominent friends of the administration. I was even informed that, by a private application to the Secretary, I might procure the information I wished ; while those who suggested this, either voted against my resolution or refused to vote at all. Such an opposition to an ordinary inquiry, as I deemed it, could not but excite suspicions against the integrity of the management of that branch of service to which it referred. During the pendency of this question, I have received letters from different quarters, which assure me that great and flagrant abuse will be found in the distribution of these unpublished contracts, whenever the administration shall be disposed to favor the people with a knowledge of its own proceedings.

An honorable gentleman from Kentucky (Mr. Underwood), has fared no better than myself. He offered, some days ago, a resolution for inquiry into the mode in which supplies are furnished to the army in Florida. He too has been denied that information by a party vote. The absurd rule that requires two-thirds of the House to agree to take up such resolutions for consideration, has, in both of these cases, enabled the administration party on this floor, although in a minority, to frustrate our endeavors to learn something of the transac-

tions of the Government in the matters to which they referred. It is apparent that we may indulge but little hope, during the present organization of this House, to penetrate into the secrets of the administration ; but the time, I would fain believe, is not very remote when a searching inspection of the hidden machinery may no longer be parried by the tactics of party. Another year, and this duty will fall into the hands of those who, whatever may be their imputed want of qualification in other respects, will not be charged, even by their enemies, with a suspected favor or affection for the delinquents. The fruits of such an examination cannot be otherwise than wholesome.

From this investigation, Mr. Chairman, whenever it shall be undertaken, I am not unprepared to expect the disclosure of flagrant errors and misdeeds in the management of the public concerns. The calm, impartial judgment of the country rests with a deep and melancholy consciousness upon such an expectation ; nay, sir, even the friends of the predominant power itself are alarmed by it, and writhe under it. The errors of this administration are the necessary products of that state of things which brought it into power. Its misdoing is not less its misfortune than its fault—attributable in as large a degree to its want of sagacity as to its evil inclinations : it is the natural offspring of INCAPACITY.

It is now just ten years since the elevation to the Presidential chair of the most remarkable man of our times ;—remarkable as much for the intrinsic properties of his character, as for the singular good fortune that attended him through life. The era of his election to the Presidency was once called the ERA OF REFORM. Some still affect to call it by that name. To my mind, it is chiefly memorable as the commencement of a great delusion—an imposture conducted with no ordinary ability, and propagating its principles by troops of political Islamites as fervent, as obsequious, and as numerous as the faithful who swarmed beneath the grotesque banner of the Eastern prophet. Ten years have gone by since that eventful

epoch, ten long years of various fortune, in which, if the happiness of the American people has not been increased, we may confidently affirm that large and valuable additions have been made to their experience. The occasion afforded by the discussions of this committee is appropriate to a survey of this field of experience ; and I propose, sir, chiefly to direct my remarks to that end.

No one can forget how peculiarly felicitous to his own fame, and how eminently favorable to the hopes of the country, were the circumstances under which General Jackson was first presented to this nation as a candidate for the Presidency. The men of the Revolution were gone ; the field was crowded with aspirants, and the capital had become the seat of numberless intrigues, or—what was practically the same thing—was suspected to be so. In the perplexity of the public mind, and its misgivings lest the popular will should have less to do with the adjustment of this question than the secret management of leaders, there was a sudden uprising of the great mass of the nation to take the selection of the Chief Magistrate out of the hands of the politicians, and preserve it in their own. They chose their candidate in the great military favorite of the day, even while he himself (it was at that time believed) was innocent of all thought of such an honor. General Jackson's imputed moderation of political sentiment ; his freedom from party trammels, so signally proclaimed in that famous correspondence with Mr. Monroe ; his extreme lenity and kindness towards the old Federal party ; his unbounded personal popularity, founded on meritorious military service ; his alleged honesty and directness of character, and his boasted knowledge of men, all contributed to give him a position of irresistible command, and to more than compensate for that want of statesmanship and political science which even his nearest friends admitted. With these ascribed qualities of character, he rallied around him not only the largest support of the people, but the aid of the most powerful talents in the nation. It was said—and no doubt it was true—that, in the

event of his election, he might have called to the public service a combination of the greatest ability and influence which the country afforded.

At that time (I speak of the canvass of 1823-4) we heard nothing of REFORM. The country asked no reform ; it needed none. The administration of Mr. Monroe had given universal satisfaction, and the people did not doubt the integrity of their public functionaries.

At the first moment of the defeat of General Jackson's election in the House of Representatives, opposition was declared against the administration that was to succeed—fierce, unsparing, relentless opposition. It was not directed against measures, nor even against men ; but it was a premeditated, foreavowed hostility to each and every adherent of that administration, and to each and every measure it should propose. Its basis was the vindication of the alleged violation of the popular will in the choice that had been made ; and the new incumbent, it was profanely declared in this Capitol, should be assailed in his administration, even though that administration should “be pure as the angels at the right hand of God.” The opposition, therefore, to Mr. Adams, looked to no *reform*. Indeed, sir, in point of principle and of policy, the administration of the venerable gentleman who now sits before me, was identical with that of his predecessor. It adopted the same measures ; rested on the same general doctrines ; was, like it, economical, cautious, and conciliatory ; and was sustained, and even administered, by almost the same men. What was there in it to provoke a zeal for reform ?

Sir, if the nation had desired a reform, it would not have selected General Jackson. Whatever great qualities it was usual to ascribe to him, all would have conceded that he had neither the coolness of temper, the knowledge, nor the experience essential to the composition of that character. Still, however, as the second canvass approached, it fell in with the views of the party leaders, that an impression should be made of something rotten in the state, and through this opinion to



enlist an opposition *on the basis of reform*. With this design, committees were raised in both Houses of Congress to inquire into abuses. They made their reports with ominous denunciations, and — I think, sir, in view of what has transpired since, we may now say — with a ludicrous exaggeration of sundry very pitiful complaints. The search after abuse, notwithstanding all that was made of it at the time, we may fairly admit, was a distinguished failure. The scheme, however, served its turn, and General Jackson was all at once metamorphosed, or rather magnified, into the Great Reformer.

This movement accomplished a double purpose. It spread abroad a false opinion of great corruption in the existing Government, and offered an acceptable flattery to the chief. It gave him a position of peculiar veneration with the people. His election was heralded as a coming glory—a mission of political regeneration—and he was looked upon, in some sort, as a predestined instrument of national blessing. He was proclaimed “the Reformer,” *par excellence*; and—in the very novel and classical phrase of the stump-orators from Maine to Missouri—came, as a second Hercules, to sweep out the great Augean stable of the Government. It was then, sir, a favorite theme to declaim against the *abuse of patronage* and the *servility of the press*: we often heard of the *extravagance* of the administration, and of the *loose supervision* of the Treasury. The party evolutions of that date, the Congressional reports and speeches, the newspaper dissertations, all bear evidence to the flood of patriotic and virtuous horror which burst forth from the bosoms of the reformers at the profligacy of the Government, in adding sixty or eighty thousand dollars to the national expenditure, and allowing nineteen hundred to Mr. Pleasants for his expenses as bearer of despatches to Rio!

In the same tone of feeling, and in accordance with the design of the authors of the movement, General Jackson lost no time, after his election, to communicate the great purport of his newly-conceived mission with every solemnity which official

authority could throw around it. The portentous words were spoken in the inaugural, from the portico of this Capitol—

“The recent demonstration of public sentiment inscribes on the list of Executive duties, in characters too legible to be overlooked, *THE TASK OF REFORM* ; which will require particularly the correction of those abuses which have brought the patronage of the General Government in conflict with the freedom of elections, and the counteraction of those causes which have disturbed the rightful course of appointment, and have placed or continued power in unfaithful or incompetent hands.”

Soon after this oracular, and, to the great body of the country, startling announcement, we were made acquainted with the specific abuses to which this pruning-knife of reform was to be chiefly and most industriously applied. The regular annual message, at the opening of the first Congress under the new administration, is full of the grand design. This paper was matured in an interval of leisure ; it was skilfully and carefully composed, and may be deemed the authoritative rescript of reform. It professes to emit the light wherein the administration was to walk, and to lay down the map of its great working plan. In that document you shall find the President's mind occupied with four prominent reforms, which are treated as cardinal in the creed of freedom—indispensable to the existence of pure government, not less than vital to the cause of republicanism. I will not stop, sir, to read more than a few passages from this message ; but I invite members, at their leisure, to give the whole of it a careful perusal. Its meditated reforms are—

1st. In the mode of electing the President and his re-eligibility to office—the plan recommended being to “remove all intermediate agency (of the Electoral College and House of Representatives) in the election of the President and Vice-President,” and, “in connection with such an amendment, to limit the service of the Chief Magistrate to *a single term* of either four or six years.

2d. In the disqualification of members of Congress for office,

at the appointment of the President in whose election they may have been officially concerned.

3d. In the principle of appointing to office, in the language of the message, "solely for the benefit of the people," and, "by a general extension of the law which limits appointments to four years," to lessen the liability of encumbering the Government with men who cannot, "for any length of time, enjoy office and power without being more or less under the influence of feelings unfavorable to the faithful discharge of their public duties ;"—and

4th. To establish a strict accountability in the public servants, and a rigid supervision of the Treasury ; in reference to which, the attention of Congress was invited to the inquiry as to "what offices might be dispensed with, what expenses retrenched, and what improvements might be made in the organization of its various parts, to secure the proper responsibility of public agents, and promote efficiency and justice in all its operations."

Now, sir, there is the Chart of Reform. Good and wholesome reforms, Mr. Chairman, each and all of them ! I supported them then : I would support them now. The whole nation—I mean the whole body of the governed, as distinguished from those who govern—would have sustained these improvements or changes at that day, as I have no doubt they would at this, if the proposition were submitted to them.

Well, sir, what became of all these amendments in our domestic polity ? Ten years have passed over, and during all that time the reformers have had unlimited control of the Government. Is there a man on this floor will say that General Jackson could not have carried any measure that he deemed essential to the honor and glory of his administration, or to the welfare of the nation ? Did he want power to achieve his plans of administration ? Was he not backed by his friends—ay, and by the large majorities of the country—in whatever scheme he indulged for the public good ? Was not his honor, his faith, his reputation, pledged to these reforms ? Was he

not glorified by all his banded presses when he proposed them? Turn to the newspapers of December, 1829. and read how, from city to city, village to village, to every hamlet and cabin, the tide of gratulation and panegyric rolled forward, to the magnifying of the Great Reformer. Now, sir, of these four conspicuous, cardinal reformatations, which was achieved? Not one—not one!

Achieved! not only were they *not* achieved, but the whole current of the President's power, all his practice, his precept, his policy, from alpha to omega, set directly, and of deliberation aforethought, against this whole scheme of reform. He was not merely indifferent to it, careless in enforcing it, sluggish or pre-occupied with other matter; but he grew to be, in a very brief space of time, distinctly and actively hostile to it. He wrought no change in the mode of electing the President; and so far from limiting his service to *a single term* (which he might have done as efficiently by example as by law), he actually electioneered through the country for a second choice; and if report be true, as I believe it is, franked with his own hand the letter of his own secretary soliciting his renomination to the Presidency from the Legislature of Pennsylvania.

Holding executive favor, as he did, to be so unfriendly to the free and faithful discharge of the duty of the representative, he might, at least, have been sparing in the selection of members of Congress for office. And yet, sir, upon an enumeration of his appointments, it will be found that no President had ever dealt so largely in this stock of corruption. Nay, sir, I think I am warranted in saying (I have not cast it up arithmetically), that General Jackson raised more members of Congress to office than all the Presidents before him together had done since the adoption of the Constitution.

Then, as to his pretended reform of the principle of appointment, and his doctrine that office was to be filled *solely* for the common good: public employment became, under his auspices, notoriously the *mere prize of party service*. Never,

until General Jackson's day, did partisan effrontery rise into such matchless contempt of the decencies of public observance as to make open proclamation that office was the *spoil of victory*, and belonged of right to the conquerors. Never, until his day, was the Post Office, with its countless servitors, seized upon as the instrument of political success. Yet *he* did it without a blush, and has turned its whole artillery back upon the people, to batter down their independence. He would have done the same with the Bank, but that he found that citadel too strong to be assailed, and too firm to be seduced : to which fact may be traced that malignant and absurd war which constitutes both the chief exploit and deepest disgrace of his administration.

His greater accountability of the public servants, his guardianship of the public treasure—what are they ? A jest. The Treasury has been almost emptied by the larcenies of the chief ministers of the law : and at this day the friends of the men in power are heaping upon our tables piles of bills to guard them against the felonies of their political brethren, vainly attempting to cast upon the law the irregularities that have grown out of their neglect or their incapacity to administer it.

Thus ends this farce of Reform ! It has sunk into insignificance ; it has left no memory behind it but that of a hypocritical and wicked fraud—a trick of imposture—a thing to juggle with. As a scheme of amendment, it was a ridiculous abortion ; as a device of party tactics, it was below contempt. The august patron of pure government, the conservator of the public morals, the predestined and foreannounced *Reformer* of a backsliding generation, has been overmatched by the seductions of Satan, and has fallen into communion with the unclean thing. He has even trafficked in the great and the small iniquities which he came to denounce.

Mr. Chairman, while from this view of the movement to which I have referred, it is evident that General Jackson has been singularly unlucky as a Reformer, I will not deny to him a reputation quite as prominent, and infinitely more mischiev-



ous—that of an INNOVATOR ; for innovator he was in the broadest and worst sense.

His administration was one of ceaseless change : change, sometimes stealing along in noiseless advance, sometimes bursting forth, in bold, open-day achievement ; one while sweeping with the breath of spring, at another with the rage and havoc of the tornado. We had ever change of men, change of measures, change of principles. The pervading characteristic of that most anomalous and extraordinary administration was mutation—uncertainty—experiment. It lived in perpetual motion, defying all hope of repose ; it rejoiced in turmoil, and revelled in paradox. Those who followed it were forever ignorant of their whereabouts : they knew no rest for the soles of their feet—they travelled over quicksands. The idea of political consistency never entered into the President's head—he had no perception of the meaning of the term. His idol was his popularity, and whatever sustained that, constituted the theory of his conduct. It was his boast, his glory, his perpetual aim. His dream was popularity, his motive was popularity, his defence was popularity. Not that popularity which submissively trails after the public will, and humbly essays to do the public bidding ; nor that nobler motive which studies the country's good, and, by an assiduous devotion to the duties of station, seeks the applause of its own conscience and the approbation of virtuous men ; but a domineering, wayward, arrogant popularity—an impatient, hectoring assumption of the right to lead, which repudiates all law, despises all observance, and maintains its supremacy by personal and party force.

In General Jackson, his popularity was the means by which he increased his power ; and his power was used, in turn, to enlarge his popularity. With consummate skill (for I do not deny to him great foresight and management) he turned all the resources of his position to the strengthening of this his most cherished attribute. The very boldness of his designs seemed to fascinate the public admiration : he dazzled the pop-

ular mind by that fearlessness which we were, for a time, accustomed to interpret as a proof of his honesty and uprightness of purpose. Least of all men was he suspected of dissimulation : and yet I am persuaded a more skilful dissembler never occupied high station in our country. He flattered the people with the address of a practised courtier, startled and amused them by the thunder-claps of his policy, identified his success with the gratification of their favorite passions, grappled himself with wonderful adroitness to the predominant sentiments, wishes, and prejudices of the great and massive majority—and became a monarch, an autocrat, by the sheer concentration of republican suffrage.

This power he wielded with a stern and inexorable temper of proscription against all who did not bow down to his authority, and worship him as the embodiment, the incarnation of the Popular Sovereignty. He was the fountain of honor, the arbiter of disgrace, holding the political fortunes and hopes of his followers at his own capricious disposal. The most indulgent of friends, the most ruthless of enemies, there was no delinquency of the one that he could not overlook ; there was no offence in the other so trivial, that, when occasion offered, he would not visit it with vindictive punishment. He who could not only tolerate, but sustain, protect, and reward the troops of greedy parasites, the defaulters, the public plunderers, that thronged his hall in the guise of friends—men, some of whom were notorious for the derangement of their official accounts—could, nevertheless, pursue, with unprecedented animosity, an unwary trespasser upon the Government treasure—a small defaulter of some three thousand dollars—and, for years, delight himself with the sufferings of his victim. He could continue to heap upon this man fresh indignity, disgrace and pain, even beyond a rigorous judicial sentence, until the humanity of the nation at last revolted, and cried out “For shame !” This could he do, because, the unfortunate subject of his wrath had, in an evil hour, ventured to exercise the privilege of a free citizen, and express, in a public journal, his dis-

approbation of the measures, and his doubts of the political integrity of the Imperial Republican Chief.

With such a temper, and such power in the Executive, what considerate citizen of this land had not motive to pause, and look with distrust and fear to the future? Sir, the events that have taken place under that rule have fully justified the worst forebodings of those who watched its progress. A great and vicious revolution was accomplished in the character of this Government—one which shall render the name of its author forever famous in our annals.

General Jackson's first term was occupied in the practice of those arts by which his popularity was extended and confirmed. It was a period of preparation and marshalling of forces. No one who reads the history of that period, in the Executive communications and in the official press commentaries of the day, will fail to be struck with the extreme profession of reverence for the popular will which everywhere speaks in the language, or breathes in the spirit of these emanations from the Chief Magistrate. Some such declarations as the following ever meet the eye in the perusal of these papers :

"I regard an appeal to the source of power, in all cases of real doubt, and when its exercise is deemed indispensable to the general welfare, as *among the most sacred of all obligations*."—*Message of 1829*

"I know no tribunal to which a public man in this country, in a case of doubt and difficulty, can appeal with greater advantage or more propriety, than the *judgment of the people*."—*Message of 1830*.

The frequent reiteration of such sentiments could not but inspire confidence and trust in the Executive—among all those, especially, whose preconceived opinion of the President's uprightness prepared them to indulge the kindest feelings towards his success. This constant recurrence to the *source of power* was a gentle flattery, well contrived to put the people off their guard. It has ever been the trick of ambition, from the days of Cæsar to our own. With all this display of respect for the popular will, no man ever held that will in

greater contempt, when it came in conflict with his own, than the late President. Sir, if you desire the proof of it, you shall find it not only in the heady current of his life, but in the whole course of that battle with the Legislative power which marked his career ; his perpetual veto of the representative action in the internal improvement bills, the bank bills, the land bill—all forbidden in the face of large majorities of the direct representatives of the people—notoriously in the face of the popular judgment and wish of the day. You shall see it in the famous removal of the deposits ; in the refusal to restore them ; in that high-handed measure of holding back the land bill when it was known that two-thirds of both Houses would have passed it in spite of the veto ; and, above all other acts of contumacy to public opinion and popular will—the cap-sheaf of his waywardness—his pocketing (as it has been significantly termed) of the bill for the repeal of the Treasury circular.

Sir, it was this hostility to popular control that led General Jackson to that systematic assault upon the structure of this Government, which I have termed *a revolution*, and which ended only in the subversion of some of the most important principles of the Constitution. His scheme was to enlarge the Executive power and to depress the Legislative. In the Executive power he saw and felt the source of unlimited popularity ; in the Legislative he was aware of a constant, jealous guardianship against encroachment, that restricted his footsteps to a path in which he had no patience to walk. The one was the parent of patronage, reward, and partisan alliance ; the other a surly warder of popular rights, whose appropriate duty lay in curbing the excursive spirit of an ambitious chief.

I have said, sir, that General Jackson's first term was employed in marshalling his forces. His second is distinguished by the developments of his skill in using them. Immediately after his re-election, a principle of vast import and significance was announced to the country, with all the authority which an Executive communication could confer upon it. The

scope of this principle was to set Congress at defiance by assuming for the Executive, not only an independence of the Legislature, but even a superiority over it. It was declared that—

The President was the *representative* of the American people—co-equal with the Legislative power, accountable to the people and not to Congress for its acts :

And a corollary was deduced from this—

That the elections, being appeals to the people, were to be interpreted as expositions of the public judgment in favor of the great Representative Chief, and were to be taken as confirmations of all his acts, principles, and opinions.

“It will be for those in whose behalf we all act,” says the President, in his first message after his re-election, when giving his reasons for setting aside the decision of the House of Representatives in favor of retaining the deposits in the bank, “to decide whether the Executive department of the Government, in the steps which it has taken on this subject, has been found in the line of its duty.”

In that appeal to the people against Congress is the first dawn of this new theory of Executive power. It was more fully announced afterwards in the famous “Protest” of April following.

“The President,” it is there declared, “is the *direct* representative of the American people.”

And again :

“The Legislative power, subject to the qualified negative of the President, is vested in the Congress of the United States, composed of the Senate and House of Representatives. The Executive power is vested exclusively in the President, except that, in the conclusion of treaties and in certain appointments to office, he is to act with the advice and consent of the Senate. The Judicial power is vested exclusively in the Supreme and other courts of the United States, except in cases of impeachment, for which purpose the accusatory power is vested in the House of Representatives, and that of hearing and determining in the Senate. But, although for the special purposes which have been mentioned, there is an occasional intermixture of the powers of the different departments, yet with these exceptions each of the three great departments is independent of the



others in its sphere of action : *and when it deviates from that sphere is not responsible to the others* further than it is expressly made so by the Constitution. In every other respect each of them as the co-equal of the other two, and are all servants of the American people, *without power or right to control or censure each other in the service of their common superior*, save only in the manner and to the degree which that superior has prescribed."—*Protest, April 1834.*

The President having thus assumed a position which enabled him to defy the inspection or control of the Legislature ; having thus exempted himself from all accountability—except in the impracticable form of impeachment—to the representatives of the nation, and invested himself with an undefined and hitherto unheard-of pretention to the character of a direct Supreme National Representative, his next step was to strengthen his vantage-ground by defences that should with no less efficacy, exempt the *subordinate functionaries*, through whom his measures were carried into effect, from *their* supposed accountability to the Legislative power. It was very evident that the Executive had gained but half a conquest while its agents were exposed to that supervision of the Legislature which might frighten them from their party allegiance to their chief. To protect them against this supervision required a still broader pretension than the last, and thence arose that famous doctrine of *Executive Unity and Responsibility*, which figures so conspicuously in the promulgation of the new creed of the second term. In this creed the Executive is a unit, and in the President *alone* rests all the *responsibility* : the officers of Government are but the creations of his will ; the agents for the performance of *his* duty ; accountable *to him*, and to no one else.

"By the Constitution,"—I read, sir, again from the Protest—"the Executive power is vested in the President of the United States. Among the duties imposed upon him, and which he is sworn to perform, is that of taking care that the laws be faithfully executed. Being thus made responsible for the *entire action* of the Executive department, it was but reasonable that the power of *appointing, overseeing and controlling*

those who execute the laws—a power in its nature executive—should remain in his hands.”

And once more, in the same paper :

“ The *whole* Executive power being vested in the President, *who is responsible for its exercise*, it is a necessary consequence that he should *have a right to employ agents of his own choice* to aid him in the performance of his duties, and to discharge them *when he is no longer willing to be responsible for their acts.*”

True to this theory of Executive duty and power, and very distinctly, sir, to my mind, denoting its parentage, we have seen, on a late occasion, the Postmaster-General favoring the country with a practical commentary upon its meaning. I will beg to read a passage from his answer to the application for a mandamus in the case of Stockton and Stokes.

“ The Executive,” says Mr. Kendall, “ is a unity. The framers of the Constitution had studied history too well to impose on the country a divided Executive. The executive power was vested in a President. The executive officers are *his* agents, for whom *he is held responsible* by the people, whose agent he is. *The acts of the executive officers are the acts of the President.* Constitutionally he is as responsible for them as if they were done by himself, though not morally.”

Now, sir, it is evident that this accountability of the subordinate officers of this Government to the President is altogether incompatible with their responsibility to the National Legislature, or even with their liability to *be inspected or examined by that Legislature.* All responsibility is converged upon the President, and he being, according to the theory, the representative of the people, is accountable only to them, and not to his mere co-equal—or, more properly speaking, in the spirit of these assumptions, *his inferior*—the Legislative body, composed as it is, of but fragment representations of that same people.

When we add, Mr. Chairman, to all these pretensions that kindred claim with which this nation was so familiar in the palmy days of Jacksonism—the claim to interpret the laws as *the President understood them*, without respect to judicial author-

ity, legislative exposition, or prescriptive usage, but solely as the Chief Magistrate's green or ripe judgment, his passion or his intellect might suggest—when we add this pretension to the rest, we have a scheme of power so comprehensive for every purpose of misrule and corruption as to leave the most absolute cravings of despot ambition nothing to desire in the construction of the frame-work of a Government that might crush every principle of freedom in our Constitution worth contending for. The wit of man could not devise a plan of encroachment upon regulated liberty more insidious, progressive, and, finally, more sure to end in absolutism than this I have so cursorily brought into review. Based upon an imperious popularity (for no President but one so armed with the people's devotion could have advanced a step in this perilous career), it assumes for the Executive, successively—first, a representative character, co-equal with, and independent of the Legislature ; then, a right to regard the result of the elections as a popular ratification of Executive conduct ; then a constructive and exclusive responsibility for all subordinate officers ; and finally the independent interpretation of the laws. The result of all is, to give to this republican nation a Chief Magistrate of more power and less real responsibility, of broader range for mischievous ambition, and greater capacity for harm, than may be found in any constitutional monarch of modern times. Sir, these doctrines have sprung out of the very insolence of power : they are the landmarks which trace the victory of a proud chief over the rights and laws of a subdued country.

Till conquest unresisted cease to please  
And rights submitted left him none to seize.

These assumptions, Mr. Chairman, were not mere political abstractions. They were active elements in all the workings of the late administration. They constituted the machinery by which the grossest abuses in this Government were engendered and screened from the observation of the public eye.

To them may be traced that abundant fruit of corruption which is now just beginning to show its hideous rottenness. Let any one turn back to the history of "The Investigation," as it is called—"The Concealment" would be its better name—of 1837. There let him read the President's refusal to answer interrogatories as to the condition of the departments, and his claim to be exempted from question unless specific charges were exhibited. Let him reflect upon the President's arrogant arraignment of members of this House for their freedom of speech in the debate that preceded the appointment of the committee ; the order to the cabinet officers to disregard the mandate of the committee, and *their* consequent refusal to answer ; the claim to protection from this examination set up by the President and his cabinet, upon the plea of privilege against self-inculpation ; the personal immunity asserted by them against search for papers ; and, finally, the impudent defiance of the committee by the Postmaster-General. Let any man turn to these proceedings, so recent, so vivid in the recollection of the nation, and he will at once be able to trace out the impression of this new political philosophy on every feature of that remarkable incident.

It will be remembered, too, sir, that these doctrines are altogether of recent date—the coinage of the last administration. Never before, in the history of this Government, have they been asserted in theory or developed in practice. They are utterly without precedent or color of former example. As I have said, sir, they owed their origin to the necessities of General Jackson's scheme of administration—a scheme whose fatal aim was the prostration of every department of this Government before the Executive. It is curious to note, in the progress of this revolution, with what confidence its great author trusted to the force of *profession* when it was necessary to blind the people against the perception of his real designs, and how little trouble he gave himself to reconcile this profession with his practice. There was no sentiment which was paraded more ostentatiously before the public eye by the Pres-

ident than the declaration of his extreme scruple against the exercise of *doubtful powers*. There is scarcely a State paper of his day that does not repeat the admonition against this easy sin of questionable power, as the first and gravest to be deprecated. As if the President were conscious that his temper, and the habits of his past life, might lay him open to the suspicion of this sin, he is careful to desecrate it with a peculiar abhorrence. Now, sir, it will be found that there has been scarce a power under our Constitution, which in the course of fifty years' administration has been held doubtful, that General Jackson has not either exercised, or assumed the right to exercise without hesitation. He expressed his willingness to charter a National Bank ; and would have done so, as he declared, if the plan had been conformable to certain views which he disclosed : he signed bills for internal improvements : he constantly used the veto on mere questions of expediency, where no constitutional objection was pretended : he has held back a bill from Congress when two-thirds of each House would have voted for it : in the case of the specie circular, he refused to return the bill altogether : he has appointed to office after his nominee has been rejected by the Senate : he removed the deposits upon a plea of constitutional responsibility, when the officer to whom the law specially intrusted them had refused : he has denied to Congress the right to inspect the departments unless that inspection were directed to previously specified charges of abuse. I do not pretend to say, Mr. Chairman, that some of the powers to which these acts refer may not be lawfully and beneficially exercised by the Executive—I believe they may, sir—but every one will admit that they may be all ranked among that class of *doubtful powers* upon which great contrariety of opinion has existed in this country ; and I allude to the action of the late President in reference to them, only by way of contrast between his profession and his practice, and to show how little scrupulous he was as to constitutional restraints, when it suited his purpose to transcend them.



The adoption, Mr. Chairman, of such principles as I have described, and the administration of the Government in accordance with them, are altogether sufficient to explain any amount of official delinquency which has been, or may hereafter be, disclosed. Such a system, by converting the powers of the Government into a party engine, could not fail to breed up an army of partisan-zealots, such as we have seen—rude, rapacious and selfish. It could not fail to lower the estimate of public virtue, to debauch public morals, and to fill the land with greedy hunters after “the spoils.” It could not fail to engender hosts of demagogues, of every order and degree—from the fustian ranter of a tippling shop, up to the all-sufficient oracle of Jacobin philosophy in the Senate—or to the more shrewd and cunning fomentor of base prejudices and passions in the cabinet. Yes, sir, even higher still—to the popularity-engrossing chief himself. It has already done all this, and more. The favor of Government has become a prize to be won by adulation and compliance, and, as a necessary consequence, the meanest man ever bears away the reward. Public office is to be obtained only by that subserviency which no honorable man can condescend to yield,—it therefore inevitably falls into the hands of the worst. Good men fly from the association of the Executive. Sir, it is remarkable that General Jackson’s administration could never retain about it men of pre-eminent ability : it was not their sphere. They fled from it in squadrons. Even the ties of friendly association in the cabinet could not be preserved beyond a year at a time. President Jackson made as many ghosts as Richard :—

—————“Where is Clarence ?

Where is the gentle Rivers, Vaughan, Grey ?

Where the kind Hastings ?”

I may ask : Where is Berrien, Branch, Ingham ?—Where Duane, McLane, and other early friends of the chief ? Gone, sir, immolated by that spirit which endured no free opinion. Not only from the presence of the chief himself did they fly,

but in every department of the service the talent of the nation deserted him. From the earliest era of that rule, down to the present day, every election has successively lowered the scale of ability by which the reigning power is sustained ; until, at last, it is apparent that the party in possession of the Government is soon likely to be without that modicum of talent, which, even at this moment, so scantily suffices for the small vindication, on this floor, of its own small merits.

Sir, the baleful influence of the last administration was not confined to the character of the public men with which it was surrounded—it might be traced through almost every department of society. We lived in the midst of convulsions. The public taste was vitiated and fed by the stimulus of constantly recurring political eruptions ; it delighted in strange conjunctures—the heavings and spasms of that capricious power which displayed itself in such fantastic action at the capital. A spirit of insubordination, of misrule and riot became diffused through the community. Wild and visionary theories of political duty were disseminated abroad and showed themselves in the most mischievous forms, in the proceedings of the State Legislatures. The most abstruse and difficult problems of political economy—questions of currency, finance, constitutional power—were summarily but most authoritatively disposed of by the shallowest pretenders to statesmanship ; and the oldest and best institutions of the country attacked and beaten down by political charlatans. Knowledge, deliberation, experience, all were obliged to give way to this newly-inspired intuition ; and the greatest pains were taken by party leaders and demagogues to deceive the people into the belief that the profoundest questions of Government might be consigned to the decision of men of the lowest scale of qualification in political science. A broad and odious line of distinction was drawn between the rich and the poor ; and where mutual dependence and interest should have engendered kind feelings, harmony and brotherhood, the seeds of ill-will and hatred were deeply sown.

In obedience to the same influence, the Government press

became a mere engine of slander—the fabricator of palpable and gross falsehood. Every thing that transpired in the Government was distorted by its light. What, in its vocabulary, was called public opinion, was but the reverberation of its own false clamor. The people were systematically abused, cheated, and betrayed by its monstrous counterfeits—juggled and duped by the Type Fiend. The coherence of “the party” required an organized plan of misrepresentation: the *existence* of the administration required it. It had risen by it, and was maintained by it. It could not have subsisted a month if the people could have heard the truth. It would have withered in the light, and crumbled into dust. The whole atmosphere in which it breathed was false: the element upon which it lived was deception: its popularity, its power, its duration, depended on the essential condition of blinding the people. It lived, and moved, and had its being in the Universal, Inextinguishable, Everlasting LIE.

While this was the action of that administration upon the *morals* of the nation, its *measures* were no less physically hurtful to the public interest. They were hurtful from the same causes that rendered its principles vicious. They were ever dictated by selfish passion, and characterized by that domineering temper which I have before described as the distinctive impulse of the administration.

The President’s vanity and thirst for applause rendered him eagerly and rashly precipitate *to pay off the public debt*. All other interests were compelled to give place to the achievement of the glory of wiping away that debt during the term of his political supremacy:

His hatred, or rather his defiance and impatience of the fame of one man (Mr. Biddle), caused him *to make war upon the Bank*:

His personal animosity to another distinguished individual (Mr. Clay) induced him to veto *the Land Bill*.

To these three measures, proceeding from the egotism and vain-gloriousness of the President, may be traced the chief

maladies of the times. To them may be traced, in succession, the overthrow of internal improvements,—the accumulation of the surplus,—the distribution,—the paper system,—the hard-money experiment,—the suspension,—the wide-spread bankruptcy,—and, finally, the enormous and unexampled speculation upon the public treasure.

I do not stop, sir, to expatiate upon the sequence of these events, nor to indicate more minutely their connection with each other and with the leading measures to which I have referred them. I am sure, now that we may calmly look back to the whole train of our past disasters, the impartial judgment of the country will be at no loss to assign them to the causes I have enumerated. They will be ever accounted, sir, by the reflecting portion of our citizens, the bitter fruits of Jacksonism.

When General Jackson came into power, he found every interest in the country prosperous : when he departed, he left every interest at its lowest ebb. In the first era, our systems of policy had been matured, and were in wholesome exercise : agriculture, commerce, and manufactures were all thriving ; the currency was of unexampled soundness and value ; the revenues were gradually increasing ; the debt was provided for ; the improvements in the surface of the country were advancing at a steady and wholesome pace ; the Government was economical, and its foreign relations upon the most secure and honorable footing. I will not attempt to contrast that state of the nation with the present—I will only say that General Jackson, reversing the boast of the Roman Emperor, might have exclaimed, at his departure from the capital, “ I found Rome marble, and I have left it brick.”

Still, sir, I desire to do the late President justice in one particular in which I might be misapprehended. In the management of the foreign affairs of this Government, I am prepared to pay a tribute of praise to his energy. In that branch of the public concerns, he is entitled to all the applause he has ever received. The very qualities of character which rendered him dangerous at home, furnished him the means of success

in the disposal of our affairs abroad. That imperious temper which deposed the limits of republican rule, admirably fitted him to cope with monarchs, and transfused into his foreign negotiations the vigor that crowned them with success.

In the hasty glance, Mr. Chairman, which I have taken of the principles and policy of the last Presidency, my aim has been to bring to the contemplation of the committee the singularly unhappy auspices under which the existing Chief Magistrate came into power. It was the great misfortune of Mr. Van Buren to succeed to a dilapidated inheritance; and that misfortune was most fatally aggravated by the extraordinary illusion of national prosperity which, at the moment of the departure of his predecessor, and of his own accession, haunted and bewildered the imagination of both. Sir, I have seldom read in history of such remarkable self-deception, such wonderful blindness to the signs of approaching disaster, as at that moment characterized the two illustrious individuals to whom I have alluded. Permit me, sir, to read the parting words of General Jackson, on the 3d of March, 1837, and the greeting declaration of Mr. Van Buren on the following day:

"My life," says the retiring President, "has been a long one, and I cannot hope that it has, at all times, been free of errors. But I have the consolation of knowing, that, if mistakes have been committed, *they have not seriously injured the country* I so anxiously endeavored to serve; and, *at the moment when I surrender my last public trust, I leave this great people prosperous and happy.*"—[*Farewell Address.*]

On the 4th of March the successor spoke in this strain:

"Abroad we enjoy the respect, and, with scarcely an exception, the friendship of every nation. *At home, while our Government quietly but efficiently performs the sole legitimate end of political institutions, in doing the greatest good to the greatest number, we present an aggregate of human prosperity surely not elsewhere to be found.*"—[*Inaugural of Mr. Van Buren.*]

Sir, at the very moment when these self-gratulating gentlemen were vaunting, in such proud phrase, of the nation's happiness, the deep thunder of the coming earthquake was already muttering beneath their feet. The retiring chief had



scarcely reached the Hermitage—the complacent successor had scarcely been domesticated under the roof of the palace—before the great doom broke over the land, and scattered dismay from our remotest confine to the centre. The President saw every vestige of the illusion vanish in an instant ; and that couch of roses, upon which he had so confidently hoped to lie down, became a bed of thorns. Amidst the crash of the currency, the insolvency of the Government, and the general distress and wailing of the people, almost his first act of authority was to summon Congress to his aid. They came here, sir, but to bear testimony to the wide-spread havoc of the storm. The President met them in humbleness of heart, in grief and dismay ; he implored a hand to help ; he sought consolation where there was none to be found—upon the bosom of his party : *the party had lost its power.*

Fresh difficulties have thickened around him at every stage of his progress since that day. In the South, the Indian war has been but a series of disasters. We have been baffled, exhausted, beaten, by a handful of savages. On the Northern frontier our weakness has become a by-word of contempt. This great Republic, in the hands of its present rulers, is not even able to preserve its neutrality in the domestic rebellion of a Power with whom we profess to hold the most friendly relations ; and we are obliged to confess our inability to restrain the armaments of our own citizens, which are directed against a neighbor's peace : yes, sir, even to submit to the humiliation of having our own territory visited, our vessels seized, and our citizens slaughtered in our own harbor, by that neighbor Power, on the plea of weakness to enforce our laws.

In the embarrassments which have been brought upon our fiscal affairs, in the prostration of the agricultural, the mercantile, and the manufacturing prosperity of the country, the administration has been able to suggest no adequate relief. We struggle along upon expedients. The *vis insita* of the nation, its intrinsic vigor, which not even misgovernment has been

able totally to crush, has, by slow degrees, begun to revive the prosperity of the land ; but the Government has done nothing. Whatever might be expected from the patriotism, the virtue, the intelligence of the people, *they* have nobly realized ; whatever has been left to the Government, has languished and faded in its hands. The guardians of the Treasury have fallen asleep ; felonies, unmatched in enormity, have been detected in the innermost shrine of the temple : the very priests have robbed the altar. The nation has but extricated itself from one debt to create another ; the finances are in confusion ; the revenue inadequate to the expenditure ; our hard-money Government has fallen into a paper-manufacturing Government. Our rulers are at their wit's end ; all around are the signs of their doom, the warnings of their downfall. The truth stands confessed—it is felt in every department of the public affairs—that *the President and his friends are incompetent to the crisis : THEY WANT ABILITY.*

Turn, sir, to the Executive mansion, and inquire what they are who at this moment guide the fortunes of this land. An easy, indolent, luxurious chief presides over a cabinet, of which it would be flattery to say that it was a mere personation of feebleness. To the members of that cabinet, personally, sir, so far as a very limited acquaintance may warrant, I am willing to accord all consideration and respect. I speak of them here as a public body. A more diversified compound of dulness, inaptitude, and ignorance of official duty ; a greater lack of energy ; a more sorely perplexed, bewildered, and dismayed association of state counsellors, were never, perhaps, exhibited around a council-table than may, at this present juncture, be seen in the daily anxious conferences of this precious cabinet. Since the days of the Merry Monarch of England, and his hair-brained crony Rochester, never were the destinies of a great nation intrusted to more incompetent hands.

I might except from this censure, and do except, one who has the reputation of being a regular attendant at these coun-

cil meetings—I doubt not, the first to come and the last to depart—a personage more notorious than distinguished, and yet, sir, boasting no small claim to distinction. I mean that man-of-all-work, whose marvellous exaltation from the kitchen up to the chamber nearest to the King, is one of the most striking moral significations of the times. This, sir, is *his* administration. Whatever remainder of efficacy it has, is *his* ; whatever of shrewdness, of cohesion, of malice, or of mischief it has, belongs to him. By *his* sufferance does every member of that cabinet hold his place—or *did*, sir, for I trust his influence is drawing to an end. Yea, even the placid and pliant chief himself has found his account in the good will of this Mephistophiles. He is the link between the past administration and the present ; the conduit-pipe by which the surplus popularity of the one is transfused into the waning circulation of the other ; the ligament that still unites the small fortunes of the polished and pleasure-loving tenant of the palace, to the more robust destiny of the grim and fearful lion that has his lair at the Hermitage.

But for this one informing spirit, yonder whole cabinet array of impracticable, skillless, temporizing, expedient-mongering statesmen would, long before this, have floundered to the bottom of that pool of turbid party-waters in which they now struggle for respiration. The day, sir, is not remote when they and their guardian genius shall sink together in this oozy tide, and be remembered no more.

Mr. Chairman, I take some consolation in this melancholy view of the public affairs, from the conviction that the nation has been already driven by headstrong counsel, by weakness and by passion, to that extreme from which it cannot but happen that the tide of government shall flow back into a safer channel. Out of the very incompetency of our present rulers do I gather food for hope. There are already, sir, manifold signs of restoration. We cannot mistake them. We are on the backward march from Jacksonism. The footsteps were abandoned at the first stride. The Great Reaction has com-

Sir, the *unity* of the Executive has dissipated into thin air. Instead of being a unit it is multiform—a polygon—a many-headed monster—and of more heads than arms ;—not Briareus but Hydra. In this matter of the defalcations, Mr. Van Buren is no man for *responsibility* ; neither is any one of his cabinet ready to maintain that ancient dogma of Jacksonism. *Sauve qui peut !* is the motto of the day.

The President is no longer *the Representative* of the people. He now supplicates Congress to take the responsibility for the future ; entreats them to appoint committees to watch the Treasury rogues ; *he prays the Legislature to inspect the Executive !* He implores *the representatives* of the nation to help him—a weak and humble minister of their laws. Hear him :

“ I submit to your consideration whether a committee of Congress might not be profitably employed in inspecting, at such intervals as might be deemed proper, the affairs and accounts of officers intrusted with the custody of the public moneys. The frequent performance of this duty might be made obligatory on the committee, in respect to those officers who have large sums in their possession, and left discretionary in respect to others. They might report to the Executive such defalcations as were found to exist, with a view to prompt removal from office, unless the default was satisfactorily accounted for.”  
—*Message of December, 1838.*

Then, sir, we have no more lecturing on the hard-money dogma. We have come back to the toleration of paper ; nay, sir, we have become ultra in this paper-mongering. The President is the patron of free banking. His confidential friend on this floor, the chairman of the Committee of Ways and Means (Mr. Cambreleng), at the last session gave us a panegyric on the conservative property of that great system. The Government is in close alliance with the monster. The lion and the lamb have lain down together, and the Treasury is now the chief fountain of the despised rag-money. Even the much talked-of *Increase of the Specie Basis* has fallen into oblivion. Not a word in its favor has been uttered at the present session. The message. upon it, is dumb.

These are all changes of high import : they are the visible and conspicuous signs of *Reaction*. Sir, in the name of the country, I thank Mr. Van Buren for these tokens of repentance—for even this late surrender of Jacksonism ! Phæton has thrown up the reins !

Mr. Chairman, it will be observed, that as the administration deserts its former test-principles and measures, it is busy to frame new devices for party association. Political management has, very recently, entered a fresh field. We have most suddenly conjured up *Abolition* for the Whigs, and the *Defence of Slavery* for “The Party.” The Whigs, sir, have been sagaciously attempted to be identified, by the administration press, with that unhappy Northern excitement against slavery, which, until the commencement of the present session, no man was so blind as not to perceive had pursued its career without the slightest connection with parties ; which, until then, too, sir, no man was so unprincipled as to assert had sought the aid of a special political alliance with friend or foe of the administration. Sir, it is curious to note the slippery equivocation, the distortion, the desperate legerdemain of deception, of the official organ “The Globe,” on this subject.

Not even the ponderous momentum of falsehood, which long use and munificent government support have given to that party machine ; not even its practised and subtle spirit of misrepresentation, is competent to cast an air of plausibility over this shallow trick. It is the flimsiest, the baldest invention that ever came from the cudgelled brains of “your scurvy politician.” What honest man can look at the elections which have recently taken place in the North and West, and acquaint himself with the sentiments of the several candidates on this abolition question, and then say, as the Globe has said, that no Democrat (as that truthful paper styles its friends) is found an abolitionist ? How tolerant is “the organ” and its patrons of the eccentricities of “the Democrats” on this subject ! How kindly does it digest the ultra anti-slavery indignation of Messrs. Morton and Rantoul, and Alexander, Everett and Bancroft, in



the North, of Messrs. Morris and Tappan, and the member from Cincinnati, in the West !

Sir, it needs no ghost to make us acquainted with the pater-  
nity and drift of this plot. In the Sub-Treasury bill of this  
session—if the party should have courage to take it up—it is  
well understood that no *specie clause* may hope for the favor of  
the House : that, sir, is to be abandoned *per force*. The ad-  
ministration cannot limp along with such a burden on the bill.  
Now, sir, a certain great oracle has declared that this Sub-  
Treasury scheme, *without the specie clause*, is a mere *farce*. Upon  
the faith of that clause alone, rested, until now, the fealty of a  
suddenly-converted State to the administration. Strike it out,  
sir, and what holds South Carolina to the worship of her strange  
gods ? What but this pretext of the alliance of the Whigs with  
the Abolitionists ? For the nonce, it was found expedient that  
the Northern man should be imbued with Southern principles ;  
the institutions of the South were to be declared in danger  
from the Whigs ; great apprehensions were to be awakened  
among the Southern people. All this, sir, was the shabby in-  
vention in which was to be found motive for the fabrication of  
a new bond of union between the disappointed Specie-clause-  
sub-treasuryites and the administration. Then, another North-  
ern man, with Southern principles, was to be manufactured out  
of a New Hampshire Representative ; and he and his comrades  
were to sacrifice their Abolitionism on the altar of their party,  
and come to the rescue. There, sir, is the whole plot ! It has  
been acted out exactly as it was set down. The resolutions  
against the slavery petitions have been offered by the North,  
and South Carolina is bound in eternal gratitude to this admin-  
istration ! The farce was gravely and discreetly rehearsed,  
and is hereafter, to be played again before the nation. I com-  
mend to the actors in this entertainment Nic Bottom's advice :  
“ Masters, you ought to consider with yourselves. To bring  
in (God shield us !) a lion among ladies is a most dreadful  
thing ; for, there is not a more fearful wild-fowl than your lion  
living, and we ought to look to it.” There is but one expedi-

ent, sir, left to us Whigs in the sad dilemma which the alarms of our Southern friends may bring us into—when this lion comes upon the stage, we shall follow the honest weaver's counsel, and "name his name, and say, plainly, he is no lion, but Snug, the Joiner."

It was another trick of party, Mr. Chairman, when the cohesion of the friends of the administration began to give way, to seek for some new name by which the forces might be rallied. The characteristic principles and measures of the party having become distasteful to the nation, it was in the emergency of self-preservation that it looked around for some appellative which might be substituted in the place of a meritorious but unattainable distinction. Until the moment of General Jackson's retirement, the party was *his* party. It followed him through all his fancies, liked what he liked, opposed what he opposed. It was personal to *him*, and derived its strength from *his* popularity. When he withdrew, it, of necessity, was destined soon to lose its character as a Jackson party—although that name, even yet, has magic in it to rally its myrmidons : many a vote is yet given for no better reason than that the hickory-tree is engraved upon the ballot. Still, sir, with the departure of General Jackson to private life, the Jackson party was destined to decay. There could be no *Van-Buren* party. That never was a name to conjure with. It was, therefore, deemed a lucky thought when some central conclave of political managers resolved to change the badge from Jackson to "the Democracy." I will not dispute their right to the name : all the world knows how little signification, as indicative of principles, it carries with it. No man can be deceived out of the knowledge that those who profess now to be the "*exclusive Democrats*" have veered round the whole compass of opinion, and alternately vindicated and vilified every prominent measure of policy which the last ten years have brought into view. No man can be blind to the fact that the standard tenet of this new-hatched Democracy is to go *for the greatest share of spoil to the greatest number of persons*, and to render fealty to the par-

ty for a consideration. No man can affect to believe that conscientious opinion, as to the country's good, forms any element in the organization of the array. I advert to it, sir, only to express my conviction that the name has been chosen with a singular disregard to the feelings of some of its principal leaders. I can point out individuals in those ranks, who, but a few years gone by, would not have more promptly resented any insult than to be called "a Democrat." And I can show too, sir (in my own State especially), a phalanx of ardent friends of the ruling power—prime, accredited leaders of the faithful—who, even yet, have not overcome an involuntary habit of wincing at the name. And although such friends may, in time, perhaps, be able to avow their new distinction without a blush, I think they may scarcely be brought, by the force of discipline, to do that necessary service, which the name exacts, of proscribing and denouncing an opponent as "a Federalist."

Mr. Chairman, I care not for these new tactics of the adversary. I think, sir, the public affairs have fallen into that condition in which no stratagem can have power to avert the reckoning which the people will exact from their governors. The people, however much they may have been imposed on and betrayed, can have no sentiments hostile to the good of the country. They are neither office-holders nor office-seekers. Their interests all look to the establishment of order, security, and honest administration. Their aim is the honor and happiness of the nation; and if their exertions do not promote these ends, it is only because they are not permitted to know the truth regarding the past conduct or future designs of their servants. I feel assured that, let the men in power assume what name they may, the virtue, good sense, and keen sight of the nation will not be imposed upon by these motley creeds of the day, even though those who profess them assume a title once honored in the public affections. Charlatanry is fast flying before the public rebuke, and is dropping its garments, one by one in its flight. Sound opinion, rendered more vigorous from its long sleep, and more eager to do its duty from a conscious-

ness of having been imposed on, is rousing up to its appropriate office. It is going forth to gather the people for the holy warfare, devoted to the purification of the national halls, and the restitution of our ancient honor. In the tide of that warfare, "like reeds before the tempest's frown," we shall see this host of spurious statesmen, and abject followers, and spoil-seeking patriots, laid low. When that consummation is won, the nation will rejoice with an exceeding joy. The oldest man among us, sir, may yet live to take his part in that jubilee.

In conclusion, Mr. Chairman, I will say but a few words. Whether the late administration existed for good or for evil, is a problem that is soon to be determined. Never has popular government been subjected to a severer test. We have gone through the *proof ordeal*: it may not recur again in a century—perhaps forever. We may rejoice, sir, that the nation survives that shock—not only survives, but that a healthful reaction is in progress, which must ultimately establish, on the securest foundation, the liberty derived from the forms of our social alliance.

In the last ten years, we have seen the republican principle driven into the confines of actual despotism; the aggregate power of the people has been made subservient to the accomplishment of individual will: the Constitution, under plausible pretexts, has been superseded by a law more congenial to the purposes of party arrangement—its landmarks have been transcended, its precepts disobeyed, for the sake of achieving the purposes of the day. Many of our institutions have been assailed; some of the most valuable battered down, and all disparaged in the popular esteem. Yet still the tempest has passed over; and, in the revival of the shattered prosperity of the land, the nation hastens back to its primitive republican doctrines, with an earnestness and a zeal that assure us we shall, at last, turn our chastisement to a righteous use. The cause of free government has gained strength by the aberrations into which it has been betrayed. Contrition is the parent of amendments and past suffering the source of future security.

To my view, the return to sound principles, the reaction of the integrity of the nation, is certain in its march, and presents a most grateful exhibition of the innate strength of our people. May it go on, sir, until it restore all that we have lost in our late conflicts of power, and place this nation upon that eminence where all may see her, the first and best assured among the free communities of the world.



## LETTER

TO HIS CONSTITUENTS, CITIZENS OF THE FOURTH CONGRESSIONAL DISTRICT IN THE STATE OF MARYLAND, ON THE PRINCIPLES AND VALUE OF THE PROTECTIVE SYSTEM.

I AM confident no apology is necessary to my constituents for this letter. The tariff question is one in which they have manifested a much more than ordinary concern: and as we have many indications that it is not yet settled, notwithstanding the recent action of Congress, I have thought it my duty, in the relation I hold to the public, to contribute what I can to the general understanding of the subject.

I should have followed the custom of writing out and publishing "my speech" upon this question, if it were not that the country has become somewhat surfeited with Congressional speeches, and that I have found reason to prefer a form of communication which allows me to omit such topics as have now lost their interest, and to produce others which could not have been properly treated within the limits of that salutary rule which confined each speaker to an hour.

It might have been remarked, at the last session of Congress, that, distinguished as it was by conflicts of party opinion upon almost every other question, a great unanimity prevailed as to the financial distress of the Government. All admitted that it was as bad as it could be. A lively proof of this distress was furnished at frequent intervals during the session, in the importunate calls of the Executive for aid—calls which never failed to be accompanied with the announcement that the Government paper was under protest. In truth, for four years previous, the

fiscal affairs of the nation had been administered on a miserable plan of expedients ; the Government had regularly expended some seven or eight millions annually beyond its income. Like a trader, tottering towards bankruptcy, it had been living upon accommodation, issuing paper for its debts, and paying that off at maturity by issuing more—spunging upon the public by means of a false credit. At last, even that wretched resource failed, and Congress was obliged to look these difficulties in the face.

It was very evident that the common sentiment of the country demanded a change in this course of administration. The people would no longer endure it. It seemed to be a duty especially assigned to that Congress to put the Government in possession of its proper resources ; to break up this system of borrowing, in anticipation of means not provided, and to regulate the expenditures by the actual state of the Treasury. Both Houses accordingly addressed themselves to this task ; and, notwithstanding the systematic efforts made by the Executive and its press, during the whole session, and ever since, to disparage the labors and calumniate the character of that session, every thing was done which an assiduous and intelligent devotion to the welfare of the country could accomplish, against the perverse counteraction of the President aided by a minority in Congress, whose highest delight was found in promoting confusion wherever it was found most likely to be mischievous, and in abetting the designs of the Chief Magistrate to bring the majority into disgrace.

One of the most valuable measures which was carried under these difficulties was the tariff act. That act is now threatened with a repeal by a party whom there is no reason to doubt will be a majority in the next Congress, and with whom there is as little, that the President, if they will permit the fraternity, will co-operate to any extent of exasperated hostility in assailing each and every favorite measure of those to whom he owes all the power he possesses, and all the good-fortune that ought to have made him an object of respect with his countrymen. The

friends of a tariff, therefore, have the most serious cause for alarm.

The tariff, in its first aspect presents a question very important to the revenue.

It is estimated that the expenditures of the Government, for some years to come, will require twenty-seven millions. How is this amount to be procured?

A very audible voice has arisen, recommending DIRECT TAXATION. That voice was first heard from the South, and it has been echoed by more than one representative of the North among those who are most ambitious to be thought the peculiar democracy of the land. We are given to understand, that as the South holds all duties to be an abomination, the only legitimate mode of raising revenue for the support of the Government is by a direct tax.

The South, perhaps, has less reason to advocate this mode of raising money than any other section of the Confederacy. As that section consumes less of duty-paying commodities, in proportion to its entire population, than any other, so it contributes less to the revenues, as they are now levied. It is difficult, therefore, to conceive any interest which it could feel in the substitution of taxation for duties, but the desire (and that is scarcely to be supposed) to conciliate the good-will of its foreign customers by a tribute to those principles of American free trade which are known to be so agreeable to the rigid restrictionists of England and France.

There are objections to a direct tax, of which we in Maryland may speak feelingly. They who have not tried it are accustomed to represent it as the most equal and fair mode of raising money. It is even pronounced to be the only true *democratic* mode. I think all who have been so unhappy as to possess our experience on the subject will be prepared to admit that it is exceedingly unequal. Many pay much beyond their just proportion, many much below it; some, with abundant means evade it altogether. It is the willing horse that takes the greatest burden. Nothing is so difficult as to assess even *real*

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property, much more the movable, by an equal rule of valuation in different districts ; to make the proper abatements for encumbrances, ground rents, mortgages, and other liens. Heavy complaints are always rife against the unfairness with which these interests are assessed.

But the greater objection is, that direct taxation involves a most odious inquisition into private affairs. The citizen has a fretful aversion to it. He cannot be content, however quietly he may submit, under the prying visit of the assessor and the importunity of his follower, the collector—not so much that he is unwilling to pay his money but that he is reluctant to be catechised upon the state of his affairs ; and he is still more vexed to be dunned before he has forgotten his first annoyance, by the most unwelcome of all visitors, the tax-gatherer. He is accustomed to look upon the whole proceeding as an invasion of his household gods, and an assault upon the privacy of the domestic hearth, which with reluctant consent, he barely tolerates. It is an old feeling, derived from our Saxon ancestry, which takes umbrage at these domiciliary visits of the Government. That “every man’s house is his castle” is a maxim of our law, and, more than a mere maxim, is one of the most cherished evidences of personal independence. “When I speak of a castle,” said Lord Chatham, “I speak not of a mansion, the abode of some potentate or baron, surrounded with fortifications and towers and garrisoned with soldiers ; but I speak of a tattered and wretched hovel, the dwelling of some laborer or peasant, which the wind and rain can enter, but which the king cannot enter.” The humblest of our citizens will cheerfully see the wind and the rain driving into their unchinked and undaubed tenements, but they never look without distrust, at least, upon the Government officer who may claim admission there. They do not choose to have their castles invaded, even by the Government.

The system of raising revenue by *duties* is not only free from this annoyance, but it is a VOLUNTARY mode of taxation. Every man has an alternative, to pay or not to pay, at his

pleasure, or to pay just so much as may suit his ability. It is but to exercise a little self-denial, and to abstain from the use of imported commodities—to confine one's necessities to that field of domestic supply which, in the country, is broad enough for a thousand comforts, and we may escape the tax altogether. It falls, too, where chiefly it ought to fall, upon the rich and the luxurious—laying them under contribution, while, for the most part, it passes over the poor man's head.

He who would study the blessings of direct taxation need but visit Maryland. Here he will see them exemplified in all their imagined perfections. We require for the interest of our debt full six hundred thousand dollars a year. The Government of the Union has stripped us of this much-abhorred power of laying duties on imports. All that is left to us is the enviable privilege of levying direct taxes. Notwithstanding the encomiums which have been lavished upon this only democratic mode of raising money, not often have we found the representatives of our State, in her Legislature, willing to do the people this favor. It has been a quickset hedge, which has hitherto overthrown every party that has ridden at it. But it has now become a *question of honor* in Maryland to redeem her plighted faith; and I am proud to proclaim that, cost what it may, that honor will be preserved by a faithful performance, to the uttermost of her ability, of every engagement she has made. IT IS NOW ONLY A QUESTION OF TIME. Upon this point of good faith, political parties can no longer divide or differ. Each will strive, with a noble emulation, to maintain the sanctity of our promise, as the common obligation which no man dare repel. Such, I am convinced, is the sentiment of our people, who, upon this question, are even in advance of their representatives.

If our contribution to the national revenue were required to be furnished by a direct tax instead of duties, our proportion of the twenty-seven millions demanded would amount to upwards of eight hundred thousand dollars; this in addition to our State tax. Ask any of our citizens what is his opinion

of the practicability of an annual levy of eight hundred thousand dollars, in addition to the present six hundred thousand. Ask him if he would deem such a levy more just or more tolerable than the collection of an equal amount by duties on imported merchandise. He would answer, with a look of alarm, that it was altogether impossible to levy the amount by taxation, and he would answer truly. Direct taxation is no adequate resource for large revenues, in the present state of the population and wealth of this country, especially in the present state of political warfare, which has become the characteristic of our times. When the authors of the Constitution disabled the States from raising money by duties, they left their work but half done. They should have also prohibited the States from creating large debts without the consent of the Union ; for the experience of this day shows us that State debts are national concerns ; that they effect the national credit, and require national aid. Without the duty power, a State is without its most effective fiscal power.

We had a resource which would have been to us, in our present need, all-sufficient, but it has been sacrificed to the vindictive folly of party. I mean our interest in the public lands. Never has party wrought its ends, in Maryland, with such deplorable madness as in the sacrifice of this resource. Twenty-two years ago the Maryland Legislature first brought the question of our right to the public lands to the notice of the Union. Year after year the claim of the States was everywhere acknowledged. Here, in Maryland, no son of hers was found to deny the right. All parties admitted it, took a pride in advocating it—pressing it upon Congress. The Government of the Union, with the concurrence of both parties, agreed that these lands ought not to be brought into the Federal revenues. President Jackson himself proclaimed the same opinion. A bill was passed by large majorities of Congress for distributing the proceeds among the States. This bill, unfortunately, came from a source which brought down upon it a keen Executive denunciation ; and from that day the distri

bution has been converted into a party question. Then, for the first time, after the earnest and unanimous advocacy of our right, by both parties in this State, for nearly twenty years, a Governor of Maryland was found pliant enough officially to renounce our claim, and even to render it the subject of a sharp and labored condemnation. The result of all this action has been, that we have been spoiled of a fair and goodly inheritance—an inheritance won by the blood of the Revolution, and ample to have swept away, in progress of time, that debt which now crushes the spirit of our State.

There is a refinement of cruelty in this proceeding. Many States were lured into a system of expensive public improvements by the direct recommendation and encouragement of the General Government. This was notoriously true as regards that work which has occasioned all our embarrassments—the Chesapeake and Ohio canal. Every one knows that that work attracted a peculiar degree of favor from the Federal authorities; that it was specially presented to the attention of Congress by Presidents Monroe and Adams; and that it was enlarged in its dimensions, and of course greatly increased in its cost, in deference to the wishes of the Government. In truth, the chief public works of Maryland are almost exclusively national in their character, and are felt to be worth all that they have cost—much more to the nation than to the State which has borne the charge of their construction. We had therefore an additional right to expect that our reliance upon the public lands would not be disappointed. Congress at last recognized our long-deferred claim, by appropriating the proceeds to the States. This act was, however, coupled with a condition which the *adverse party*—still bent on defeating the claims of the States—were able to dictate. They united the question of the lands with the tariff, by the famous proviso, which was incorporated by the Senate in the land bill, and the friends of the grant acquiesced only because they had no alternative, but with a proclamation, on their part, of a determination to sever this connection whenever they should have

it in their power. They were not wrong in supposing that, at another session, they would be able to accomplish this severance, at least as far as the vote of Congress was necessary. The act of severance was accordingly carried in one of the sections of the tariff bill at the late session. But a new and an unexpected enemy had then arisen, in the person of the President. That President who originally recommended the distribution—who declared, in the message of the extra session, that this appropriation of the proceeds might produce a saving to the Government of an equal amount of annual expenditure—who even suggested that these proceeds should be constituted the capital of a National Bank, and thus, of course, be locked up from the future resumption of Congress\*—showing how fully he desired their appropriation to be free

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\* The following passages occur, on this subject, in the message of the extra session :

“The compacts between the proprietor States and this Government expressly guaranty to the States all the benefits which may arise from the sales. The mode by which this is to be effected addresses itself to the discretion of Congress, as the trustee for the States; and its exercise, after the most beneficial manner, is restrained by nothing in the grants or the Constitution, so long as Congress shall consult that equality in the distribution which the compacts require. In the present condition of some of the States, the question of distribution may be regarded as substantially a question between direct and indirect taxation. \* \* \* \* The happy effects of such a measure upon all the States would immediately be manifested. With the debtor States it would effect the relief to a great extent of the citizens from a heavy burden of direct taxation which presses with severity on the laboring classes, and eminently assist in restoring the general prosperity. An immediate advance would take place in the price of the State securities, and the attitude of the States would become once more, as it should ever be, lofty and erect. With States laboring under no extreme pressure from debt, the fund which they would derive from this source would enable them to improve their condition in an eminent degree. *So far as this Government is concerned, appropriations to domestic objects, approaching in amount the revenue derived from the land sales, might be abandoned, and thus a system of unequal and therefore unjust legislation would be substituted by one dispensing equality to all the members of this Confederacy.* Whether such distribution should be made directly to the States in the proceeds of the sales, or in the form of profits by virtue of the operations of any fiscal agency having these proceeds as its basis, should such measure be contemplated by Congress, would well deserve its consideration.”



from any condition of restoration in case of insufficient revenue—that President so committed to the measure, so glorying in it, partaking, as every one supposed, in the mortification experienced by the friends of distribution at its compulsory union with the tariff—turned his back upon his own recommendation, and, affecting to consider the connection of the two subjects a solemn, irrevocable contract, interposed the mischievous power of the veto against the severance, and thus inflicted the deepest wrong that hatred could devise upon all those interests in the country whose hopes he had originally flattered. He has endeavored to justify this act by an additional plea, that the credit of the United States stood in need of this land fund, as a security for the Government faith. He is, perhaps, by this time convinced that the most effectual restorative of the Government credit is to be found in the restoration of the credit of the States, and that that would be best sustained by the public lands.

It was in the very wantonness of a spirit that delights in pain that this disappointment was inflicted upon the indebted States. In the moment of our utmost need, when the fruits of this beneficent measure were just ripening to our hand, when every other source of supply had been drained, our people borne down by grievous burdens, our credit gone, and every thing in our condition furnishing strong motive to stir the generosity as well as the justice of the Government, that Government, yielding to the ruthless suggestions of party hostility, not only stood aloof, but seemed to take pleasure in aggravating our misfortunes by a violation of its own faith—a violation the more wanton, because it brought scarcely less injury upon the Union than it did upon us. The Government now disavows a compact which, in the gravest forms of legislation, it had heretofore acknowledged; it repudiates a principle of administration, in regard to the public lands, which it had but a short time ago proclaimed as of the highest concern; and it denies to the States the principal fund upon the expectation of which they had, in many instances, contracted their debts

And upon what pretext? The temporary wants of the Treasury! As if the casual deficiencies of the Treasury—the offspring only of careless administration—could excuse an act of flagrant injustice! But they tell us, as if that were some unusual misfortune, that if they distribute the proceeds of the lands, the amount must be reimbursed by *duties*! We may tell them, that when they refuse to give us what belongs to us, they compel us to supply the amount, not by *duties* (that privilege we have not), but only by *taxes*—by taxation added to taxation, already heaped up to the full measure of our strength. Four millions of annual proceeds from the lands—and this is below the average of ten years past—would give to Maryland nearly one hundred and twenty thousand dollars a year. This sum, applied on the principle of a sinking fund, would alone extinguish two-thirds of our debt in twenty-five years; aided, as we might hope it would be, by the avails of our public works, we should soon begin to feel that our credit and resources were adequate to every demand. This is a small matter to the Union; it is a great matter to the States. We may again express our surprise that there is a man in Maryland so infatuated by his party, so servile to its commands, so false to his State as to encourage, by his vote or voice, the Government in this vindictive wrong of withholding from us our share in the lands.

I have dwelt longer on this topic than I intended. I return to the more direct question of the tariff.

I think we may take it for granted—however agreeable this theory of direct taxation may be to that part of the nation which, somewhat whimsically, sets up to be the only democracy—the Government is not yet prepared finally to renounce the duty system. The only question, then, is, what kind of a tariff shall be permanently established? Shall it be protective, or, on the other hand, shall it be what some leading politicians have denominated a horizontal tariff? That is, shall the duties be laid at various rates, having regard to the occupations of our citizens, and intended to protect them; or shall

they be brought, as nearly as the mere interests of revenue may suggest, to a uniform and equal standard upon the several imports?

This is a great question, and has greatly agitated the country. It has been often discussed, but never under the same embarrassments as at the present period. I regard it as no less than vital to the great majority of the interests of the people. Widespread ruin may be the consequence of a mistake—ruin, in my apprehension, equally upon the North and South.

After the adoption of the compromise, in 1833, most persons thought that the question of the constitutional power of Congress to pass a tariff of protection was put at rest. That celebrated bill, sustained as it was by the Southern vote, distinctly recognized the power to discriminate in duties for *purposes of protection*. In proof of this, it contained a clause exempting certain raw materials, dye-stuffs and others, from duties altogether—its object being to furnish that degree of encouragement and protection to domestic industry. Now, this exemption of one article from duty creates a necessity to increase the duties on all other articles, when it is requisite to raise a given amount of revenue. This discrimination was regarded at the time as a concession of a power of protection.

The South, however, and some of their new allies in the North, have again started the constitutional question. I hold that any disputant who can at this day treat this as an open question ought to be considered as hopelessly beyond the reach of conviction; for if this point be not settled, then nothing is settled in our frame of Government. Protection may be said to be the eldest born of the Constitution. It once belonged to the States. They surrendered it to the Union—not to be abrogated, but to be clothed with fresh vigor; and it was among the first and most important of the powers regenerated in the Constitution. It has been exercised from the first year of the present Government continually down to this, the last. It has been advocated, in turn, by every State in the Union, as often as any fancied *present interest* has brought it into view;

it has never been opposed by any State, except under the prompting of some such fancied *present interest*; and it has at all times been maintained by Congress, the supreme Judiciary, and by a large majority of the States and people. A principle resting upon such a basis may surely be affirmed to be established.

Without designing, therefore, to argue this settled point, I think it worth while to advert to the various and contradictory positions which the enemies of a protective tariff have assumed in relation to this power.

The opponents are ranged in three classes.

The first class appear to me to be the only really consistent logicians among them. They constitute that inveterate and uncompromising school of disputants who go against protection because it is protection. They affirm that, as Congress can only lay duties for revenue, it cannot *contrive* them to suit any other purpose, and therefore cannot adapt them to protection. They even say that Congress is bound to discriminate in a revenue bill, so as *to avoid protection*. A highly respectable gentleman (Mr. Rhett) of this school, from South Carolina, acting manfully up to his professions, offered, at the late session of Congress, when the question was upon the reference of a part of the President's message to the Committee on Manufactures, the following instructions to the committee, as an amendment to the original resolution: "That should it be, in their opinion, expedient to lay additional duties, they shall be so laid *as not to discriminate in favor of any particular class of industry in the United States.*" I cite this proceeding because it presents a very striking fact. It illustrates the ultraism of the school; is an exemplification of their doctrine; is altogether new; for it was not so even in the palmy days of Nullification. The author of these instructions was a distinguished Nullifier in those days, partook of the quarrel, wrote State papers upon these matters, but did not go so far then as now.

To lay duties which shall not discriminate "in favor of any particular class of industry in the United States" would require

great skill in a committee, because it could hardly fall out but that most duties would accidentally protect *some* branch of industry. Perhaps such an unhappy catastrophe might be averted by confining the duties to every thing we did *not* manufacture at home, especially to all raw materials necessary to our arts, and by making every thing free which we *did* manufacture. Even this plan would protect something—a duty on silks, for instance, would protect the cotton manufacture to some extent—but still it would be an approximation, and would furnish a tolerably good summary rule by which, in practice, we might, in some degree (all human contrivances are imperfect), avoid the evil consequences of favoring “any particular class of industry in the United States.” It would certainly promote, with very decided effect, the alternative which constitutes a significant object in the anti-tariff policy—that of protecting the industry which does not belong to the United States. \*

The next class of opponents are much more formidable than the first, because they may be said to lie in ambush, and make their assaults upon the protective system sometimes in the guise of friends. They profess an equally fixed aversion to protection as a *primary purpose*, but are willing to tolerate it if it should result accidentally from duties laid for revenue ; as the phrase is, they are willing to admit *incidental* protection.

Now, what protection is incidental, is, from its indefinite nature, the most uncertain of problems. It means any thing or nothing. It is a convenient term of mystification. Like “the judicious tariff” of old times, it comprehends every complexion of opinion. Mr. Calhoun is, or at least was, an incidentalist ; so is Mr. Buchanan ; so is every politician who has a motive to keep on a good footing with both ends of the Union. To this school every man may belong who finds his account in voting for a tariff to-day, and against it to-morrow. There is nothing to prevent one of these gentlemen, who represents a manufacturing district in New York, from going into a Congressional caucus with the most full-blooded anti-tariff



man of Mississippi. The leading doctrine of the strict constructionist is, that Congress can impose no duties except for revenue. The incidentalist assents to this, but affirms that, in laying the duty for revenue, Congress may make it a little higher for protection. How much higher is a matter of doubt, and upon this point every incidentalist fixes his own standard—the Pennsylvanian a hundred per cent, the Georgian not above twenty ; one up to prohibition, the other not even up to the lowest mark of protection. It would seem to be but a rational deduction, indeed a mere truism, to say that, if duties can *only* be laid for revenue, they cannot, in any wise, be laid for protection. As a groundwork for a practical constitutional distinction, this incidental doctrine sounds very much like an imposition on the good nature of the public ; it is an absurdity. For fourteen years past ready-made clothing has had a duty of fifty per cent. ; certain descriptions of shoes and boots have had more. These were not revenue duties ; they were, in reference to most cases, prohibitions. What do the incidentalists say to ready-made clothing and shoes ? Are these duties unconstitutional ? I want to know if the tailors and shoemakers of the United States are willing to stand on this narrow platform of incidental protection, and rest the success of their business upon their being able to prove that the duties in their favor are *bona fide* the best for revenue.

Then, it may be also remarked, the incidental theory allows some articles to be made free ; it adjusts the duties, some at lower rates, some at higher—one class being made high, in order to compensate in revenue for those that are made low. It is a device to circumvent constitutional scruples by a trick of averages—upon this article, nothing ; upon that, ten per cent. ; upon the next, by way of making up the deficiency, forty per cent. ; and then the constitutional doubters are all consoled and satisfied, by showing that the average is within some assumed revenue standard. What is this but an ingenious method of stretching the blanket of a political faith to cover many bed-fellows ? One corner shields the protectionist

of New York, whose party *ostensibly* goes against the tariff; the other shelters the rank free trader of Alabama. Shall the cause of American industry be intrusted to the shallow casuistry of a profession so full of inconsistency and variable-ness as this?

The third class are those who, denying the general power to enact a tariff for protection to manufactures, claim for the Government a right to lay duties to retaliate against the hostile commercial policy of foreign nations; in other words, to enact a tariff for the protection of commerce. These find their support for the retaliatory duty in the opinion of Mr. Jefferson. It would seem to be a nice refinement in constitutional doctrine which can discriminate between a power to counterveil the policy of foreign states in the outward affairs of commerce, and a power to countervail the policy of the same states in reference to the still more delicate and valuable concerns of our domestic industry. Yet as it is dangerous, in these days of questionable democracy, to differ from that great authority whose opinions are held up as the test of the true faith, many of the most obdurate disciples of free trade are obliged to admit the retaliatory power. A somewhat closer search would convince the same inquirers, if they had the heart to make it, that Mr. Jefferson was a very good friend of the protective policy.\* His advocacy of this policy, how

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\* Mr. Jefferson's opinions on this subject are altogether unequivocal. In a letter to Benjamin Austin, dated the 9th of January, 1816, after stating the grounds upon which he had formerly entertained other opinions, and referring to the altered circumstances of this country, he says: "Compare this state of things with that of 1785, and say whether an opinion founded in the circumstances of that day can be fairly applied to those of the present. We have experienced what we did not then believe, that there exist both profligacy and power enough to exclude us from the field of interchange with other nations. That, to be independent for the comforts of life, we must fabricate them ourselves. We must now place the manufacturer by the side of the agriculturist. The grand inquiry now is, Shall we make our own comforts or go without them, at the will of a foreign

ever, not being so publicly recorded as on the question just alluded to, seems to be consigned to the oblivion which is now coveted for other opinions of some of our most distinguished oracles. So little mixture is there of honest judgment in the array of selfish passion, party organization, and blind zeal, which have been pressed into the enterprise of breaking down the prosperity and the hopes of the laboring population of the United States !

These three modifications of the constitutional doctrine may be said to represent all the varieties of opinion which characterize the several portions of the anti-tariff party. Among these, the advocates of incidental protection are much the most numerous ; and, in certain sections of the Union, much the most liberal. Here, in our own State, for example, we may observe many who, but a short time ago, were loudest in their denunciations of a protective tariff, but who now, having taken a useful hint from the manifest current of public opinion in their neighborhood, and perhaps also alarmed lest Congress might take them at their word and give them free trade in earnest, have become quite exemplary protective tariff men, under the mystical virtue of this doctrine of incidentalism. From their present zeal we might predict that it will not be long before these same persons will claim the merit to themselves and their political friends of having been the steadfast defenders of protection from the beginning ; and that they will even charge upon us, who have battled in the cause on many a field against them, the crime of attempting to usurp from them the honors of a championship exclusively their own. I think there are indications already pointing that way.

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nation ? He, therefore, who is now against domestic manufacture, must be for reducing us either to dependence on that foreign nation, or to be clothed in skins, and to live like wild beasts, in dens and caverns. I am not one of these. Experience has taught me that manufactures are now as necessary to our independence as to our comfort." (See vol. iv., Jefferson's Writings, p. 282.)

That I may not be misunderstood, I will give my creed upon this doctrine of protection. I am the friend of the system in its broadest latitude. I hold not only to the *right* of Congress, under the Constitution, to pass laws for the direct purpose of encouraging and fostering the pursuits of our own citizens in any branch of industry, but I go further, and maintain that it is the first and highest *duty* of the Government to the people to afford their pursuits that protection and support. I hold the questions of revenue and protection to be altogether distinct ; that duties may be laid expressly for protection, as well as expressly for revenue ; that there is no necessary dependence between the two. It is true that we usually blend revenue and protection—because usually, when considering a revenue bill, that has been an appropriate occasion to consider protection. But I deny that, in the structure of any tariff of this Government, the principle has ever been assumed that there was no power to lay a duty except for revenue. Every tariff, from that of 1789 down to the last, has presented some examples of direct *protective* duties ; and one of the most conspicuous of these duties, which has run through every tariff, is that of three cents a pound on cotton, which has always been maintained by Congress, and, I believe, without a dissenting vote from any anti-tariff member of either House ; that this duty never was intended for revenue ; that it never produced revenue beyond the most inconsiderable amount ; and that it was designed only for protection.

In estimating the comparative value of revenue and protection, I differ from many persons, when I rank protection first, and revenue as subordinate. Revenue is but a necessary evil ; protection a positive good. With this devil money we conjure away worse devils, and therefore we pursue it ; but with this charitable and beneficent spirit, protection, we engender a thousand blessings, and spread universal content and joy through all the walks of healthful toil.

Although it may be said, in reference to some of the details of a tariff law, that revenue and protection are incom-

patible, and that where one begins the other ends, yet this is not always true—not even true in the greater number of cases. The fact is full of varieties. A high duty may be laid upon some luxuries, which, being freely used by the rich, will afford a large revenue, and yet, at the same time, will substantially protect valuable portions of the domestic labor of the country. This is true of silks, of linens, and of worsted goods. The increased price is cheerfully paid by the rich, while it at the same time encourages the manufacture of those cheaper printed and plain goods of cotton which supply the same uses. The course of trade, in such cases, gradually tends towards a division, which restrains the foreign importation to the finer goods of silk, linen, and worsted, the quantity of which is increased ; and employs the home manufacturer in the extension and improvement of the cotton fabrics. Then, again, there are commodities which having neither a likeness nor a substitute among our own productions, the duty upon them is merely one of revenue. Of these, tea and coffee, tropical fruit and spices, certain dye-stuffs and drugs, are examples. Then, there are articles upon which revenue declines exactly in proportion as protection advances ; and these contending principles divide the advantage between them. Such are cotton and woollen goods, iron and glass ware, and some others ; in reference to which, the antagonism between the duty for revenue and the duty for protection generally settles the matter, by yielding up the manufacture of the coarser quality to our domestic workmen, and delivering the finer to the foreign trade. Besides these, there are duties which are neither more nor less than virtual prohibition. These may be found including many chemical substances and the products of many handicrafts—such as certain kinds of clothing, hats, and shoes, and also many articles of coarse texture, the product of machinery.

Among all these varieties of subjects soliciting the attention and care of the Government, the great and interesting problem is how to arrange the duties so as to secure the revenue we



want, compatibly with the protection we want. This undertaking has difficulties enough of its own, without persuading us to superadd those absurd refinements of constitutional sophistry by which protection and revenue may be blended in the fanciful relations of incident and principal. The simplest, the most direct, and most effective, and therefore the most sensible mode of disposing of this task, is to consider the questions of revenue and protection each on their own appropriate grounds, and to adapt our legislation to the plainest mode of evolving each.

We once had a revenue of upwards of twenty-five millions from the sales of the public lands. If that had been a permanent income, and the Government were thus provided with the means of defraying its annual expenditure, without the aid of any impost whatever, the obligation to lay duties for the protection of our commerce and our domestic industry would, in my view of it, be no less urgent than it is now. The working classes of the nation would then, as imperiously as now, demand of the Government the restraint of foreign importation, where it interfered with their pursuits at home, by such impediments, in the nature of duties and prohibitions, as might be sufficient for that end. This is a necessary power, belonging to all Governments, without which they cannot exist in any condition of permanent prosperity ; and I think I may challenge the opponents of this doctrine to produce, by a research through the whole history of human society, a single example of a Government that has existed without such a power. Under our own Constitution we have never been at a loss to find power, when policy required its exercise, to establish very broad and sweeping prohibitions upon imports from foreign States. We have sometimes added to all other duties two dollars a ton upon merchandise imported in the vessels of particular nations ; sometimes we have laid an embargo—a flat prohibition upon all importations from a foreign state ; sometimes, as in 1818 and 1820, we have forbidden all imports from certain colonial dependencies ; and even in the late tariff act there is a direct prohibition

against the importation of obscene prints. Who questions the constitutionality of this kind of legislation? It is justified by that clause which authorizes Congress to regulate commerce—a wise, effective, and just exercise of power; but let any one explain how more wise, effective, or just, or more within the scope of a general power to regulate commerce, than the adjustment by law of the terms and conditions upon which foreign fabrics may be permitted to be imported, when the design of restraining them is either to give a special scope to our own foreign commerce, or a broader expansion to our domestic, by encouraging the enterprise of our citizens in a field where we know that it will promote both national and individual wealth.

I have heard it said, by the advocates of one side of this question, that every duty laid upon a foreign product is a tax upon the consumer of that product to the amount of the duty. I have heard it contended, on the other side, that when a foreign product is shut out from our market, or diminished in quantity, by the increase of duty upon it, the similar product in our country, being protected by this legislation, becomes the subject of a vigorous domestic competition, which has the effect to diminish the price, even, in some cases, below the former cost of the imported article. There is something to be said in favor of both of these propositions. In particular circumstances, they are perhaps both true; and, in the great majority of cases, I have no doubt that both of these effects are partially developed and combined; that is, that the duty somewhat increases the price, and that the domestic competition somewhat lessens it; the result being a medium, produced by these opposite forces.

But I do not advocate the protective policy *primarily* because domestic competition reduces the price. I desire to lay no great stress on this advantage, although, undoubtedly, it is one worthy of high consideration. Incomparably above it is that sentiment of national independence which the protective system nurses in the bosoms of the people, by the conviction—the influence of which is almost inappreciable—that it se-

cures to them, through all vicissitudes of national fortune, the possession of their own home market. It teaches every American citizen that the supply of his own country, with whatever commodity his skill or industry is capable of producing, is his peculium, as long as he is able to gratify the demand. I am not given to underrate the value of foreign commerce. No one can be disposed to cherish that interest more than myself; but I think it of the highest importance that the nation should be duly sensible of the vastly more engrossing value of our home trade. I have no space to go into detail upon this question. You may examine for yourselves. I would invite you to inquire into the aggregate of annual production, amounting to some twelve hundred millions; follow the distribution of that among seventeen millions of people; contemplate the capital employed in this production; the roads, canals, steam power, shipping, and machinery, constructed to circulate it over and around our territory, by land, by lake and river, and by sea; the number of persons actively engaged in these various occupations of creating, of factorage, exchange, and transport; and then compare the results of these investigations with all the similar material and equipage, the persons, the capital, and the occupations which compose the elements and the business of foreign trade.

I am sure that such a comparison, fairly made, will convince every man that the domestic commerce of our country is tenfold more valuable than our foreign—tenfold at this day; and the time will come, if we be true to ourselves, when it must be enlarged greatly beyond that proportion. In the present state of the world, the domestic commerce of nations is tending towards increase, the foreign towards decline. Now, for the first time, perhaps, in the history of our species, is mankind witnessing the great competition of highly civilized communities in the arts of peace. War has been banished, for more than a quarter of a century, from the master states of the globe—states possessing similar climates, equal facilities of production, equal arts, and equal wants. Human skill has been trained to its

utmost perfection among these rival communities, to produce a supply of the same commodities. Where is there a foundation for commerce between them? What commerce can subsist between two nations which each cultivate the same products, fabricate the same manufactures, and have the same necessities? France, Prussia, Austria and the rest of the German States, Belgium, Russia England—all cultivate grain, weave cloth, manufacture iron. How shall they exchange with each other—during this long peace, when the productive power of each is strained to its utmost capacity—their grain, their cloth, or their iron? We also enter into this competition. Like them, we cultivate grain, weave cloth, and work iron. We have some products, however, which they have not—chiefly cotton and tobacco. In every thing but these we are rival producers with themselves; and even in regard to these, the dependencies of some of these Powers may be soon brought to be our competitors. What have we, then, for mutual commerce with those countries? Certainly not grain, nor cloth, nor iron; but only cotton and tobacco. I do not take into the account some minor staples of trade of small amount and precarious demand; nor do I reckon that existing, and I may call it accidental, state of things which is now stimulating a trade, on our part, in breadstuffs and provisions, with Great Britain and her dependencies, through her North American possessions. I speak in reference only to certain and permanent sources of trade. Commerce cannot increase between us and these European nations, nor between these nations themselves, while this universal peace whets the desire and quickens the skill to produce the necessaries and luxuries which each demands at home. So far as some sixty or seventy millions of dollars worth of cotton and tobacco continue to be demanded from the United States—and how long that demand may continue, every one must acknowledge to be, at least, an anxious problem to our planters—we may count upon an established commerce with Europe; but beyond that all is uncertain, fluctuating, and dependent upon the accidents of the day. If grain and provisions, if coal

and iron, if timber, if wool, if flax or hemp, if metals of any kind, were in demand by Europe, we have three Western States alone—to say nothing of a dozen others—that have capacity to feed and clothe, to shelter and supply half the population of that quarter of the world. With some few and unimportant exceptions, all these commodities are shut out from our commerce by the careful policy of those nations who have not yet been able to see the advantage of taking from us what their own dominions and people are capable of producing. This is their policy, notwithstanding that general consent of all enlightened societies, of which we have often heard, to discard the errors of protection, and adopt the wisdom of free trade.

Upon what, then, is commerce hereafter to subsist? I answer, chiefly on the intercourse between nations of dissimilar products and widely varying climes. They who are born to temperate skies and fertile lands, with all this marvellous power of machinery, may find a range for their enterprise in the tropics, and among those nations of the New World and of the Old, and of those Southern and Pacific seas, whose awakening perception to European and American luxuries, and appetite to possess them, may render our trade an object of desire. It must eventually come to that; the skilful nations will seek their commerce with the unskilful; art will exchange its products for the rarer bounties of nature.

It is worth inquiring what, in traversing this field, are *our* chances? We shall find in every sea, and under every sun, the vast colonial domain of England at this time occupying, in greater extent than any other nation, the choicest spots upon the map of the globe—a domain carefully locked against us and every competitor. That sagacious Power foreseeing that commerce could not long subsist between equal nations, has, in time past, laid the foundations of her marvellous dominion and established her inviolable system of trade, by which come what may, she has secured a perpetuity of commercial monopoly for her own people. Even now actively pursuing that grand thought, she is busily stripping us of every portion of our commerce that she



can bring within reach of her policy. By establishing entrepôts around us, wherever her colonial possessions will allow her, and rigidly maintaining the restrictions and prohibitions of her navigation act, she is quietly and peaceably withdrawing our flag from the ocean, and substituting her own, in the carriage of our products. When this system of trade is matured, and those colonies of the Indian and Pacific oceans are filled up with inhabitants ; when England, by new treaties with South American and African States, and by conquests in Asia, shall have enlarged and fortified her circle of commerce, where, I ask, are the United States, where Germany, France, Russia, where is any other power of Europe, to find employment for their keels, beyond that modicum which English ambition or English policy may leave to their occupation ? We shall find, as other nations shall (if it is not already discovered), that our prosperity and theirs will be best consulted in adopting those countervailing measures which shall secure to us and to them what, at last, is better than all foreign trade, the undisputed possession of our home markets. The Zoll Verein or customs Union of Germany owes its origin to the due appreciation of this truth ; and by establishing large circles of international trade on the continent of Europe, and guarding them against British competition, the German States, France, and Russia, are now enjoying benefits through a policy which the British philosophy of free trade affects to deride, but which there is not a British statesman who does not acknowledge to be wise and patriotic by the very solicitude he shows to have it changed.

Who can compute at this day what is ultimately to be the value of our home market ? I have said that our home trade is now tenfold more valuable than our foreign. There was a time, in the earlier days of our republic, when our foreign trade was perhaps the most valuable of the two—when the universal wars of Europe gave us the commercial harvest of the world. That period has passed by ; and, as we have grown older, our internal traffic has daily advanced towards its present prepon-

derance. That preponderance will continue to increase through centuries. When, instead of seventeen millions of people, this land shall nourish one hundred millions, with all their faculties and all their wants, what comparative estimate shall we make between the commerce that plies at home and that which seeks its gains abroad? When our coasting tonnage shall number eight and ten millions of tons; when railroads and canals shall be almost immeasurable; when cities shall lie as thickly along our three thousand miles of lake and our two thousand miles of sea-coast, as they now stud the shores of Europe; when the characteristic ingenuity of our countrymen shall have turned all their power of water, of steam, and of machinery, to their full account; when the solitudes of the far West shall be converted into luxuriant fields, and every valley shall contribute its multitude of consumers, asking for the richest products of art, who will think of measuring the value of this vast home market with all that the rest of the globe can bring into competition with it? Look at Europe as it is, with all its refinement, its wants, and its power of supplying them; fancy that immense association of inhabitants brought within the dominion of one government, enjoying equal laws and common privileges, exempt from war, and fortified by a common inviolability of property, and you may then form some idea of what the United States may be under a wise and steady adherence to that policy which directs all its vigor to the continual development of our native resources and the persevering protection of our domestic industry. That policy we began with our government: let us not depart from it now. I wish this American field preserved for the American workman, as long as there is one to be found who can supply the country with a necessary or a luxury of life. After he is served, then let in the foreign product; but to our own artisan be the first fruits.

I will not ask what is the cost of maintaining this policy. It is not to be measured by the arithmetic of money. I will not consent that it shall be determined by asking the question whether the foreign workman labors for lower wages than our own.

The independence and the comfort of the United States shall never be weighed, in my mind, against the cheap attainment of luxuries. High wages are the peculiar blessing of our country. It is through high wages that we make the laboring man a partner in the gains of the rich. They are the principal ingredient of that American system of which the scope and end are to secure the physical comfort of the working man, by affording him a full remuneration for his toil ; yielding him time for mental and moral improvement, by which he shall be progressively lifted up into a higher scale of social respectability and usefulness ; and identifying him with the prosperity and happiness of the nation, by causing him to feel that in promoting that prosperity he promotes his own. I do not wish to see his gains diluted or adulterated by the cheap labor of Europe. Our system is entirely different from that of the Old World. The working man here belongs to a body which constitutes nine-tenths of the nation—it is in fact the nation itself ; and our policy, unlike that of the Old World, is to make this interest paramount to all others ; not subordinate to any other class in the State. Thus, our American system becomes the only true and really democratic system of administration in the economy of our Government.

I have heard and read a great deal of argument employed by particular interests here at home, and by the persevering champions of free trade abroad, to persuade us that we should open our ports to the unlimited introduction of foreign products—and this from nations who have studiously excluded, or encumbered with enormous duties, every American commodity but such as they could not obtain from any other region of the globe ? The general drift of that argument has been, that Government should not interfere with the pursuits of the people ; that the United States are an agricultural and commercial people, and ought not to think of making that for themselves which other countries can make cheaper ; that every duty upon a foreign commodity is a tax of that amount upon the consumer ; that, for the sake of protecting an Ameri-

can fabric, we levy a tax for the public treasury, and five or six times the amount of the tax for the benefit of the manufacturer ; and, even from the same advocates who have uttered these dogmas, I have heard it said that our manufactures were capable of competing with all the world, without the protection of Government—a position which, if true, is a full answer to all the others. I deny each and all of these assumptions. So far from it being the duty of Government to abstain from interfering with the avocations of the people, it is obvious that when the policy of other nations bears upon and constrains the pursuits of our citizens, the only mode by which we can give them free choice to pursue that calling for which their talents qualify them is by resisting this pressure from abroad, and leaving the domestic industry an uncontrolled range over the whole expanse of our wants. If the cheap goods of England are to find free admission into our use, what choice of a calling in life do we leave to our working man? Can he make hats, shoes, garments? Can he betake himself to the spinning of cotton or wool, the weaving of cloth, the working of brass, or iron, or lead? None of these, nor of a thousand other pursuits which the protection and care his own Government have now provided for him. What is his resource? The economists on the other side of the Atlantic tell us he may plant cotton, tobacco and corn, and sow wheat. They would thus advise him to cultivate the opportunity of adding to that product which is already superabundant, and still more reduce the price of such of those commodities as England and France find it necessary to take from us. This is the advice of England to us—that England who will not engage to take directly from us a stick of timber, or a barrel of flour, but upon terms which must inevitably ruin every adventurer in the trade ; that England who tells us that we should content ourselves with cultivating the raw material of manufactures, and leave her the supply of the fabricated product, at the very time that she refuses to receive any thing but our cotton and tobacco, constituting not one-fourth of the

mass of raw materials which, if she would take, we are able to give.

It is merely absurd, in the face of our present experience, to assert that we are only an agricultural and commercial people. Our progress in manufactures and the mechanical arts, in the last twenty years, is almost without a parallel in the history of nations. Every one must see that the genius of our country is singularly inclined to mechanical improvement ; and I venture to assert that an inquiry into the condition of the different sections of this country will result in a perfect demonstration that the largest amount of prosperity will be found diffused among the people of those districts which have devoted themselves with the greatest assiduity to mechanical and manufacturing occupations. In truth, no country ever attains to great power or wealth by an exclusive addiction to agriculture. Nations are still less likely to attain to it now, since mechanical science has added such wonder-working capacity to machinery. The exclusively agricultural communities have ever been the feeblest and most dependent among the nations of the world—the most powerful and commanding are those who have added to the productive capacities of their soil the creative results of genius employed in the sphere of the useful arts.

A word as to this question of the duty being a tax upon the consumer. If it were so, I would ask, who is the consumer? The assertion is, that the *producer* gets the benefit of the tax, and that the *consumer* pays it. Supposing that true, then the proposition is about as broad as it is long. There are very few consumers in this country who are not producers. The farmer, for instance, produces more than he consumes. If, as producer, he gets a better price for his grain—as he undoubtedly does, through the influence of the manufacturing system—he is upon the whole a gainer by the duty which fosters manufacturing. So also the mechanic is a producer to a greater extent than he consumes, and he profits also. The stockholder is also one who has lent his capital to



the producer, and his capital returns him a better interest in proportion as the producer's craft is protected and encouraged by the system. In short, throughout the whole range of business, there is a principle of indemnification at work, which utterly annuls the supposed effect of a tax upon consumption.

There is another most important consideration belonging to this subject. The system of domestic manufacture and mechanical employment has a valuable train of accessories attendant upon it. First, the workman is withdrawn from agricultural pursuits, and thus lessens the competition against the husbandman. Instead of being the rival, he and his family are changed into customers of the tiller of the soil, and become the purchasers of his harvest. Second, every mechanical occupation creates a necessity for another ; it brings into demand the labor of the mason, the carpenter, the tool maker, and the whole roll of craftsmen who furnish the materials of a manufacturing village ; and, lastly, it invites new establishments in the same pursuit ; in the competition of which, additional skill is rapidly acquired ; new masses of population are employed ; products are cheapened ; villages, towns, and cities, are built up ; markets for the fruits of the earth are created where none existed before ; a thousand handicrafts, auxiliary to household and personal wants, are brought into existence ; and a new fountain of prosperity turns its current over these large masses of population, diffusing life, activity, and comfort, where before there was only a dull and stagnant repose. These are the accessories of manufacturing and mechanical employment, and belong to that employment, in whatever country it is carried on. In weighing, therefore, the merits of this domestic policy, we have to ask the question, shall these accessories be fostered in a foreign land, and for the benefit of a foreign population, or shall they be preserved and enjoyed by our own ? The only answer the opponents of protection can make to this question is to deny the value of these accessories ; to affirm that the country is better without them, as long as we can ex-

change our agricultural wealth for cheap foreign goods ; and to maintain that only when we cannot so exchange it we should manufacture for ourselves. Is it not plain, supposing (what we have no right to assume) that foreign nations will receive our agricultural products, that the immense yield of the country, when every one is tilling the earth, must cheapen our agriculture quite as much as the foreign manufacture is cheapened ; that we shall be toiling in the midst of superabundant harvests, at the very lowest rate of requital, merely for the purpose of getting cheap goods from abroad—making wheat, for example, at fifty cents a bushel, in order to buy cloth at two dollars a yard ; and that we shall go on progressively diminishing the the price of food to the foreign operative, that he may be compelled to work at still lower wages, and to furnish us his fabric at a still lower rate?

What do we gain by this process but perpetual poverty and dependence, low wages, small choice of pursuit, a land without a workshop, without villages or towns, an idle population, and a commerce placed at the mercy of foreign Powers, to be overthrown at any moment their caprice or their ill-will may suggest? If, at any time, wearied with the monotony or the unprofitableness of this doom which chains us to the plough, we should think of devoting a portion of our strength to mechanical or manufacturing pursuits, our enterprise would be checked by a market filled with foreign fabrics at half the price for which we could make them, and we should be conscious of a perpetual interdict forbidding us to learn the art, or attain the skill of any manufacturing craft. Yet this would be called free trade! It would be, according to the canons of that school, leaving the industry of the country to seek the pursuits most congenial to it, without interference on the part of the Government. In the contemplation of such a case, I ask if it is not apparent that Government restrictions are, in fact, the only device by which labor is made free to range over the whole field of human employment ; and if, on the other hand, Government forbearance is not the only source of impediment and constraint upon the

natural capacity and desire of our industry to occupy the ground which God has assigned to it?

But it is now the fact, and it will always be so, that foreign nations will not receive our agricultural products, except in very limited quantity—far below our capacity to supply them. They are already furnished from resources of their own. What are we to do? Manufacture, but without protection, is the answer. That is, we are to embark capital in manufactures, train up a population to these pursuits, disqualify them for all others, at a perpetual sacrifice of means, and even under a continual actual loss. Nothing is better confirmed by experience than the fact that the low wages of Europe will supply the greater amount of manufactures cheaper than we can supply them. He, therefore, who attempts to manufacture here without a protecting duty, insures for himself irretrievable ruin. Is it an answer to say that foreign manufacturers cannot supply us unless we have something to exchange for their fabrics; and that, as they will not receive our products, we cannot receive theirs, that consequently this impediment upon importation will be sufficient to encourage our enterprise? If this were true, it is at once an admission of the value of a protection, since a protecting duty is but an impediment upon importation. But it is not true. We give them a very considerable amount of products—not a tithe, perhaps, of what we could furnish them, but still a large amount—and for these they exchange their manufactures. Now, while the foreign fabric is in our market, no matter how incommensurate to our wants, it will regulate the price of our similar fabric, especially while it is known that the foreign supply is abundant at the place where it is produced. American iron, for instance, cannot be sold for seventy dollars a ton, while English iron of equal quality, is to be had for sixty, notwithstanding the fact that, of the English, the supply is not sufficient to meet a twentieth part of the demand. The whole will fall towards the English price, and that price will, under all circumstances, be kept lower than the American, for the sake of ready sale. And thus

it is, that even the surplus stocks of foreign nations, which may be afforded often at the original cost of production without a profit, have a control upon the price of our manufactures ; which control may be, and in truth is, exercised (whenever our duties are relaxed), to the detriment and overthrow of the enterprise of our own people. I do not mean to say that this effect is universal in regard to American manufacture. Thanks to the genius of our country, we have some branches that have acquired a strength and a foundation which foreign rivalry cannot impair ! And it is a gratifying conviction that every year witnesses an increase of those arts in which our workmen may defy the skill of the world. It is not many years since this species of enterprise appealed, in the helplessness of its infancy, to the nurture of the Government. A ready hand and a parental care were freely proffered, in answer to the appeal. The result is what we see, and ought to inspire us with confidence in the wisdom of protecting those pursuits for which the country has a capacity, but which are yet unable to encounter the foreign assault.

It is a prevalent error into which both sides have fallen, in treating this question of the protective and anti-protective policy, to regard it in the light of a purely theoretical problem, and to maintain it on either side, upon arguments which claim to be universal and unchangeable in their application. In my judgment, it is the most practical of questions, and rests exclusively upon considerations of present expediency in the circumstances of every nation. The wisdom of establishing high or low duties can only be estimated by the condition of the community to which they refer. High duties may be conspicuously useful to one nation, and as conspicuously hurtful to another. I have shown why I think them indispensable to the United States.

But we are told that enlightened economists in England condemn our policy. We have proof of this, indeed, in the endless dissertations of the British press in favor of free trade ; and the recent legislation of that country is cited to show how

much the public mind there has awakened to the error of its ancient heresy of protection, and to the absolute virtue of free trade.

Protesting against the influence which is sought to be derived from these opinions, and from the supposed scope of the legislation referred to, I desire to make a few remarks in reply.

The argument drawn from this source is delusive, on two grounds ;

In the first place, if it were true, it furnishes no guide to us, as I have already shown.

But, in the second place, it is untrue. Great Britain has never adopted the policy of free trade. On the contrary, there is no nation whose interests, connected with the industry of her people, are hedged around with a more impregnable defence of restrictions than hers. Her navigation is fortified by a thousand bulwarks, which render it the most effective and exclusive national monopoly of which the world has ever had an example. Her colonial possessions are guarded for her own trade, by all the power of parchment and the sword—by law, by treaty, and by armament. Her domestic industry is entrenched behind a mountain of barriers, which the industry of no other nation can overleap. Shall we be deceived, while contemplating this elaborate and time-honored structure of accumulated defences—equally the manifestation of her jealousy of rivals and of her foresight—by such relaxations in the rigor of her ancient system as the maturity of her power and the perfection of her skill have rendered not only harmless, but even more operative, as the means of protection ?

An endeavor is made to promote the belief that Sir Robert Peel's late bill has sprung out of a conviction of the necessity of abandoning the protective system, and that it is the first measure which is destined to signalize a new era of free trade. The same language was used in reference to Mr. Huskisson's bill, in 1825. An inspection of the late act of the British Parliament will convince us, that whatever changes may have been made in the rates of duty, none have been made in the funda-



mental principles of the ancient British policy in the support of manufactures. On the question of breadstuffs and provisions, I admit that the remonstrances of a famished population have had their weight to produce what, as far as it goes, may be regarded as a most salutary and beneficent change. Yet, even in this field, the principle of protection is maintained upon what, here in the United States, we should call a very high duty. The general scope of these modifications has been to reduce the duty on provisions only a few degrees below actual prohibition, and to incorporate into the new law a very decided encouragement to the industry of the colonial possessions.\* In fact, this measure of reducing duties upon food is a most significant auxiliary to the protection of manufactures.

But when we look at the manner in which the late act has disposed of the question of protection to the great staple manufactures of the kingdom, we shall better understand the scope and value of these supposed reforms.

Let it be remembered, that England supplies with her fab-

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\* Bacon, for instance, formerly paid a duty of six cents a pound. The new bill reduces it to three cents when imported from a foreign country, and seven and one half mills only per pound when brought from a British Colony.

The former wheat and flour duties were regulated by a scale which, when wheat stood in the market at \$1.60 per bushel, fixed the duty on the grain at seventy-two cents a bushel, and on the barrel of flour at \$5.90. These were the highest rates, and the duties declined, as the price of wheat rose, through a regular series, until they reached their lowest point when wheat arrived at \$2.20 per bushel; at that point, the duty was two cents and eight mills per bushel on wheat, and \$3.95 on the barrel of flour. Sir Robert Peel's bill lessened the rates of duty by beginning with the highest, to wit: 60 cents a bushel on wheat, and \$2.89 on the barrel of flour, when wheat is \$1.53 per bushel, and falls through a regular scale to three cents a bushel, and fourteen cents on the barrel of flour, when the price of wheat rises to \$2.19 per bushel. This applied to imports from *foreign* countries. But as regards imports from *the colonies*, the scale is much lower, and varies from fifteen cents to three cents on the bushel of wheat, and from seventy-two cents to fourteen and one half on the barrel of flour.

rics every foreign market to which her trade can find admission. The more prominent and notable among these products of her skill are woollens, cottons, and linens. There are many others which it is not necessary to mention. In the facility of creating the large mass of these productions, she is unrivalled. There are other fabrics, such as silks, fine lawns and laces, not to enumerate others, in which she finds herself under a vigorous and somewhat oppressive competition, from France, Germany, and other countries. In that department of her industry in which she excels other nations, and for which she can, therefore, gain a preference in foreign markets, it is obvious she needs no protecting duty to secure to her own artisans the home supply. We can imagine no inducement for high duties to protect the products within this department. Importing none of them, any duty in her tariff must be but nominal.

Keeping this idea in mind, let us inquire into the policy of the new bill in its connection with these points.

The annual amount of woollens manufactured in Great Britain has been estimated in value at £22,000,000—about \$110,000,000; her annual export of these at £7,000,000, or \$35,000,000; the difference is absorbed by her home consumption. Her *imports* of woollen goods, according to recent returns, yield about \$100,000 of duty, which would indicate their total value to be less than \$250,000. The duty upon woollens was heretofore forty per cent.; the late bill reduces it to fifteen and twenty per cent.

Of manufactured cottons, Mr. McCulloh, in 1835, estimated the entire product at about \$170,000,000, and the export at about \$100,000,000. The importation of cotton goods into England seldom reaches half a million of dollars. The duties have heretofore been ten and twenty per cent., and the new bill has left them untouched.

The linen manufacture has been computed, by the same author, at \$37,000,000 per annum; the export about one-third of that amount. The import is very small. The bill reduces

the duties, which heretofore ranged between 40 and 20 per cent., down to 20 and 15.

Here we have three branches of British manufacture, producing annually about \$317,000,000, supplying the various channels of British trade, with an export of near \$150,000,000, and subject to a competition in the home market to an amount less than \$1,000,000. And it is deemed to be a surrender of domestic protection to reduce the duties on these three branches of manufacture to a standard of fifteen and twenty per cent. This *surrender* is presented to us as an example, and we are called upon, in imitation of it, to bring down our duties to the same standard. Is it not obvious, that a nation which can export \$150,000,000 of her fabrics in a year has already secured a position for that branch of her industry, at which all duties are indifferent to her? Does any one doubt that Sir Robert Peel might have fixed his standard as safely at five per cent. as at twenty? Has he by this reduction deserted any manufacture, turned any workman back to agriculture, obliterated any capital, shut up any workshop, given the home market of England to any foreigner? Where is there any parallelism in the case, which is to make this act an example for the United States?

How does the matter stand in reference to those manufactures in which England is not so dexterous?

Manufactured silk goods, in which France, Germany, Italy, and the East Indies, are known to excel, stood in the former tariff at varying rates of duty, according to their quality, from \$2.64 a pound up to \$6.60 a pound, which duties Sir Robert Peel has found it altogether inexpedient to change.\* It is true,

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\* These silk duties are carefully graduated according to the danger of interference with the home market, from the want of perfection in the British manufacture. Thus:

Plain silk and satin is admitted at	.	.	.	\$2.64 per pound.
Figured silk and satin	.	.	.	3.60 "
Gauze, plain	.	.	.	4.08 "
Gauze, figured	.	.	.	6.60 "

he has reduced the duties on some preparations of *raw* silk—a measure evidently dictated by a desire to afford further protection and encouragement to the manufactured article.

Upon French lawns the duty was \$1.44 the piece, of 8 yards in length ; this is reduced to \$1.20

Upon bordered lawn handkerchiefs the duty was \$1.20 the piece, at which it remains.

Upon other lawns than French, containing not more than 60 threads to the inch (an article upon which the duties collected in 1840 amounted to \$24), the duty was 18 cents the square yard, and is retained at that unchanged.

On sugar (not refined) imported from any quarter but a British possession (from such a possession it is much less), the duty was 13 cents a pound ;

On refined sugar, 35 cents a pound ;

On brown candy, 24 cents a pound ; and

On white candy, 35 cents.

All these duties are retained in the new bill, without alteration.

Upon tobacco the duty remains as before ; that is, at 72 cents a pound for the unmanufactured, and \$2.16 a pound for the manufactured.

These are a few items taken from the tariff of Great Britain. I have noticed the course of legislation which has been adopted in regard to them, with a view to justify my remark that that nation has, as yet, afforded us no evidence of her purpose to abandon the protection of her manufacturers ; that she has, in fact, made no approach to such a design. If the provisions I

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Crape, plain	. . . . .	3.84 per pound.
Crape, figured	. . . . .	4.32 “
Velvet, plain	. . . . .	5.28 “
Velvet, figured	. . . . .	6.60 “
Ribbons	. . . . .	4.08 “
Silk net	. . . . .	5.76 “

The duty on silks in our tariff, as passed at the last session, does not exceed \$2.50 per pound.

have reviewed were, what certain politicians of this country represent them, concessions to the spirit of free trade, why have we this variety of duty? this sliding scale on wheat from the point of prohibition downward; those enormous duties on silk, graduated to the hazard of competition; this twenty per cent. on woollens, this fifteen on linens, this ten on cottons; this two and three hundred on sugar; this thousand per cent. on tobacco? These discriminations have an object. Is that object revenue? Upon many of these commodities no revenue is collected—none whatever. Is it free trade? If so, why build the gates of such unequal heights? Or is it protection? Go and inquire of the whole history of English industry, for two hundred years past, and you will have no difficulty in the answer. It is quite edifying to observe how liberal has become the policy of British statesmen in the toleration of a low duty on such manufactures as their artisans make better than all the world; and how that toleration hardens into cautious reserve, when the question concerns those unperfected occupations in which British supremacy is acknowledged to be a matter of doubt.

The protective system, all over Christendom, has grown to be a question with England. It is no small homage to the genius of that nation, that her arts have asserted such a dominion over the interests of the civilized world. I should be almost content, England being out of the way, to try free trade with all the rest of Europe. I believe that in a few years we might gain as much as we should lose. But I am not willing to encounter the resource and faculty of England; and it would seem that she is as little inclined to encounter ours. I hold it to be a question distinctly with *her*.

Even as regards those manufactures in which we excel, as we do in many of the coarser kinds, the competition of England has a crushing weight. Those surplus products of hers are, every now and then, turned loose in inundations upon us. In that circle of nations for whose supply she is perpetually busy, it is peculiarly her fortune to meet with interruptions to



her commerce. Scarcely a war, a pestilence, an overteeming harvest, a new alliance of trade, occurs in any region of the globe, to turn the ordinary currents of commerce awry, that the pulse of England does not show the change in some department of her industry. Some vent is shut up ; some portion of her stock is thrown back into her lap. Then it is that the United States are doomed to be the recipient of fresh supplies of cheap merchandise beyond our healthful wants, and all the fibers of our own industry are made to feel this unwelcome boon. No skill of production can secure us against such a disaster—scarcely are duties, short of prohibition, a defence.

All Europe has suffered from the same cause, and, with hardly a single exception, every nation of that quarter of the world has settled down upon a system of protection. So far is it from being true, as is frequently asserted, that the enlightened nations are exploding restrictions and taking up free trade.

It is in no spirit of vituperation or hostility to England that we indulge these opinions, but in the friendly rivalry of nations pursuing their own ends, according to their own views of their interest. I have a cherished respect for that nation, as the great nurse of history, of philosophy and art. I commend her wisdom, I admire her policy, I honor her patriotism ; but I will not take her manufactures at low duties, as long as an American mechanic can supply me with the same commodity. I more especially would refuse to take the full supply of her manufactures, while she burdens our tobacco, our grain, our lumber, our provisions, with onerous and even prohibitory charges ; I would refuse to give her free admission while she shuts us out from her colonies, by this ingenious system of circuitous trade which transfers to her own vessels the carriage of our products. And, even if all these impediments were removed, I will not say that I would relax that countervailing policy by which alone her stupendous power is to be resisted, and the American citizen be allowed to feel himself, while standing upon his own soil, that free man he prides himself in being. The time may come, perhaps, when we, like England,

may afford to be generous ; when, like her, we may have an interest to beguile the world with illusory concessions to free trade. Then we may relax our system ; but until then, we shall reverence the lesson she has taught us, to preserve with inviolable watchfulness the first and best fruits of the home market to the home workman.

A great deal of misconception prevails as to the proper end and character of protection.

If I were asked, what is the chief object of Government and what its first duty, I would answer, protection. I do not mean the protection of manufactures and mechanical industry only ; I mean the protection of every interest in the State. It is essential to agriculture ; to the useful arts and sciences, and the occupations connected with them ; to commerce and navigation ; to mining and fisheries ; to currency and credit. I say nothing as to that more familiar idea of protection to property, to personal liberty, to life. All these concerns require and receive the protection of every well organized Government. There is no shallower cant than this cry of "let us alone," as applied to the administration of the polity of States.

If we inquire into the history of our legislation, we shall find that agriculture has been protected by duties, by grants of land and expensive experiments, by treaties securing favorable conditions of trade, by countervailing regulations, and by the creation of markets for it both at home and abroad. Without dwelling on particulars, I may refer for examples in these several kinds to the duties on cotton, on indigo, on hemp, and on tobacco ; to the grants which have been made to the cultivators of the vine, of the agave plant, and other productions which it has been thought useful to naturalize in our climate ; to our commercial treaties generally, which furnish abundant proofs of the solicitude of the Government to open every accessible market to the produce of our soil. Indeed it has always been a principal source of the favor which the agriculturists of this country—at least that large portion of them who are concerned in the production of food—have man-

ifested for the tariff policy, that it has contributed so effectively to furnishing them a market for their crops. When the tariffs of 1824 and 1828 were under consideration, the desks of Congress were loaded with petitions from the agricultural interests, in behalf of the passage of the bills : and these interests, throughout the grain-growing States, have been the steady, consistent friends of the policy, from the earliest period at which it attracted public attention. It was quite a remarkable fact that the leading advocates of the tariff of 1816 were from the South, and that they supported it as a measure of protection to Southern agriculture. Their argument was drawn from the duty of Government to foster the cultivation of cotton, by restraining the consumption and finally abandoning the use of the East India cotton, which at that time was general over the country. It was remonstrated against this tariff, that the breaking up of the East India trade would expel a large number of seamen from employment. But that was considered a small evil against the great preponderance of good which was to result from the protection of the cotton culture.\*

To understand how extensively and at what cost of legislation, of diplomacy, and taxation, commerce is protected, it is only necessary to examine our numerous navigation laws, our tonnage duties, our treaty stipulations for particular privileges, and the expense at which we have reciprocated them with other nations : to investigate the outlay and the duties of our dip-

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\* Mr. Calhoun, on that occasion, used the following language :

“ It has been objected to this bill that it will injure our marine, and consequently impair our naval strength. How far it is fairly liable to this charge he was not prepared to say. He hoped and believed it would not, at least to any alarming extent, have that effect immediately ; and he firmly believed that its lasting operation would be highly beneficial to our commerce. The trade to the East Indies would certainly be much affected ; but it was stated in debate that the whole of that trade employed but six hundred sailors. But, whatever might be the loss in this and other branches of our foreign commerce, he trusted it would be amply compensated in our coasting trade—a branch of navigation wholly in our own hands.”—*Extract from Mr. Calhoun's speech on the Minimum Valuation, from report in the National Intelligencer of April 11, 1816.*

lomatic service and consular representation ; to learn what squadrons we keep afloat, and the nature of the tasks we assign them ? what special indemnities we have insisted on, and at what cost ; what wars we have waged, and what we continually threaten, in support of it.

Upon what ground, then, can we refuse protection to the third great interest of the nation, the Manufactures and Mechanical arts. It seems that all other protection is acquiesced in but this. The dispute only arises when the Government turns its thought to the guardianship of this branch of its industry ; and many persons, hearing no other protection talked of, believe that this is the only interest of the country that seeks it. Hence has sprung that common error that the manufacturers and mechanics are asking favors from the Government which are denied to all other classes of citizens.

In protecting any interest by a duty, the chief objection taken to it is that the duty is *a tax* upon the people ; and the question is asked, why should one portion of the people pay for the advancement of the prosperity of another ?

Suppose a duty does amount to a tax on the country—a proposition by no means universally true—how does that affect the argument ? Is it a condition that Government shall afford no protection to the citizen but that which costs nothing ? All protection involves cost ; and the only question is, the value of the investment. If the success of agriculture can be promoted, if commerce can be enriched, if home industry can be rendered more profitable, if the domestic resources can be multiplied, by a tax, what fair argument can be drawn from the expense to the nation, provided that expense is compensated in the resulting good ?

It ought to be observed, too, that protection may be afforded by other means than duties, which means may be equally expensive to the nation. We may establish by treaty, or adjust by law, such relations with foreign powers as shall exclude nine-tenths of all our products from their ports, for the sake of gaining some special favor in behalf of one of our

products ; or we may quietly submit to regulations of trade which will produce the same effect. This is precisely what we have done in regard to our cotton, in our relations with England.

We may make a tariff and construct a system of trade which shall admit a large amount of the staples of other nations *free of duty*, with a purpose thereby to secure from these nations the consumption of a greater quantity of this staple of ours, to which we have just alluded—cotton. The effect of such a system might be to embarrass a large amount of our industry at home, by overstocking our market with these free goods ; to overwhelm our currency by creating a heavy foreign debt ; to disturb the business of our regular American merchant by floods of foreign consignment which should pour in upon us the surplus stocks of foreign manufacturers, at rates which destroy all fair competition. This is, in truth, the history of the last ten years, in our intercourse with France, England, and Germany. Our treaties with France, especially, and our tariff, have favored their silks, wines, and worsted goods, for the sake of our cotton. In proof of this, I refer to the treaty of June 24, 1822, and particularly to that of the 4th of July, 1831, in which a specific bargain is made for the admission into France of the long staple cottons at the same rate of duty as the short—the consideration yielded for this favor being the admission of the French wines into our ports.

These are chiefly the means by which we have protected the cotton interest of this country. In truth, that interest, notwithstanding the exasperated tone of those concerned with it against the protective policy, may be said to be almost the only one in the circle of our domestic industry which has received the steady, persevering, and constant protection of the Government. Every other interest, perhaps, has been occasionally exposed to a charge of policy, but this. We have passively and unresistingly seen our other agricultural products—our grain, our tobacco, our lumber, hemp, rice, sugar, and provisions—excluded from the markets of those nations which have



professed to be the most friendly to our trade. We have seen our commerce embarrassed by interdicts, by reciprocal treaties, and colonial restrictions ; our manufactures and mechanical pursuits prostrated ; our currency overwhelmed. All this we have seen and submitted to, in deference to those views of policy which have been dictated to the country by the influence of free-trade politicians, the peculiar friends of the cotton interest. That interest has alone remained in the full possession of all the direct protection it was in the power of the Government to confer upon it.

I know that this will be regarded as a bold and startling assertion ; but it is true, and the fact deserves to be noticed. It is time that the secret or unseen tendency of our commercial system, in reference to this subject, should be understood ; not with any view of assault upon that interest, or change of measures affecting it—I have no other than the most friendly feeling towards it ; but that justice may be done to the claims of other interests, quite as important (to say the least of them) as the cotton.

In no hostile spirit, I will enumerate the particular forms in which the protection of Government has been extended, to promote the prosperity of this great Southern staple.

In the first place, it has been protected by a specific duty, laid expressly to encourage its cultivation. This duty was introduced into the tariff of 1789, and has been continued ever since. It is a duty which, at this day, amounts to some thirty or forty per cent., and entirely prohibits the introduction of cotton from countries ready and willing to furnish a very considerable amount for the supply of our markets. This is particularly true as regards Texas.

Second, the tariff of 1816 was constructed with a view to its protection, by breaking up the trade in fabrics made from East India cotton—a purpose in which it was eminently successful.

Third, it has been protected by those regulations of trade to which I have already referred, by which it has been secured

an easy admission into the use of the chief manufacturing nations of Europe.

Fourth, our free importation system, adopted in 1833, produced a state of foreign exchange which remained steadily favorable to the interest of the cotton planter until that system was recently repealed. This state of exchange gave him, during that whole interval of nearly ten years, an advantage which was denied to almost every other producer in the country. He has been, through that term, the holder of funds abroad, always more valuable than at home, and capable of being converted into the domestic currency at a large profit. He has thus been saved from exposure to those losses which have so grievously distressed other portions of the community, through the disorder and depreciation of the common circulating medium.

Fifth, in the comparative exemption of the cotton grower from contributing to the expenses of Government, resulting from the fact that he consumes less of those commodities which pay duties, will be found no inconsiderable item of protection. The slave population of the South, constituting so large a portion of the inhabitants of that region, consume less of imported goods than the white population of the Free States, and the proportionate amount supplied to the Federal Treasury is therefore less in the Slave States than in the Free.

Lastly, the Constitution and laws of the country have secured to the cotton planter a cheaper labor than may be found in other pursuits, and so far may be said to have afforded a specific protection to his industry.

The first three items in this enumeration present the forms in which the Government has extended a direct protection to cotton; the remaining items indicate the advantages which this product has derived less directly from Government interference, though in sufficient degree from that source to justify us in referring them to that political guardianship which we define protection. Such are the favors, if they may be so called—the aids they certainly are—which have been bestowed upon

the cultivation of this valuable product of our agriculture. I do not wish to see these favors withdrawn, these aids in any degree diminished beyond what they are at the present time. I am duly sensible of the great value of this branch of our industry, and will always be found among those who claim for it the care of the national councils ; but I cannot fail to remark upon the spirit with which those States which chiefly cultivate it seek to advance that interest, to the detriment of all others. Not content with what they receive, they unceasingly ask for more. They would seem to demand a monopoly of public favor ; to require that all other interests in the country should be treated as secondary to theirs—even sacrificed to it, if need be. They insist that mechanical and manufacturing industry shall be abandoned for their profit ; that wheat, tobacco, sugar, and every other cultivation, shall remain on the most unfavorable footing, in order that cotton may thrive. They demand cheap food and cheap clothing, that their gains may be increased ; regardless of the fact that they not only diminish the gains, but actually *break up the employments*, of large portions of our population, as much entitled to consideration as themselves.

These requisitions strike me as ungracious from the cotton States, towards whom so good a feeling has ever been manifested in the administration of our national affairs. They are, in fact, ever seeking protection, while ostensibly making war against it,

There is no equality or reciprocity between this interest and others. They insist that we shall maintain the best markets in the world for their product, and be content with the worst markets for all other products. They say, let us alone—which means, preserve that policy which insures to us England and France as purchasers of cotton, and keeps your wheat and tobacco at home. This is a compendium of their notions of free trade.

The interest employed in the culture of cotton is the antagonist of every other domestic interest. If other agricul-

tural products were received abroad in payment for our imports, cotton would decline in value, and the cotton grower would then be unfriendly to such products. His present aim is to overthrow the manufacturing industry of the nation. Why? Because, in proportion as we supply our wants at home, we lessen our demand for the manufactures of England and France ; and, consequently, so far disable the English and French trader to pay for cotton. The effect is a proportionate decline in the price of cotton, and the necessity of cultivating less of it. The same effect would follow a large export of breadstuffs, which, being paid for in foreign manufactures, would take off so much of the fund applicable to the purchase of cotton ; and thus, if the cotton interest should succeed in destroying our domestic manufacture, its next effort would be against the agricultural staples of the grain-growing States, supposing that those staples should ever be received by the manufacturing nations of Europe.

I do not say it in any terms of reproach, but as a truth which has connection with the argument, that the cotton interest has a tendency, to some extent, as it is now circumstanced, to become an anti-American interest ; and that it has no other guard against this tendency but the patriotism—of which I have no doubt, and in which I freely confide—of its cultivators. I speak of it only as a concern of trade, apart from the moral considerations which will ever induce me to trust in the ardent love of country which I am sure animates the whole population of the South. In this view, I repeat that the cotton interest, in its present relations, has an inducement to look to the prosperity of its foreign customers, as of more concern to it than the economical welfare of our own country. It has something approaching to a monopoly in European markets, and finds its gains in their advancement ; it connects its wealth with the success of the trade of foreign nations, and therefore turns its desires towards the same object ; it has no direct concern in the promotion of our commerce or navigation ; it is hostile to our manufactures and

handicrafts, upon a mistaken theory of self-interest ; it readily imbibes and preaches the doctrines of free-trade, as they are taught by those with whom it deals, and in no wise doubts the sincerity of these teachings ; it looks with jealousy at the increasing prosperity of all other employments in the country : it is insulated from all other pursuits ; it is perpetually restless, under the apprehension of a change of policy, and would rejoice to have affairs regulated according to the scheme of the act of 1833, as that act contemplated they should be in 1842—that is to say, upon a basis that would paralyze almost every other occupation in the country.

These are its present tendencies and opinions. But let in foreign competition upon it ; let India, for instance, or Brazil, or Texas, deprive it of its preference in the foreign market, and it would immediately become, as in 1816, a sturdy American interest, fraught to the full with American feeling and purpose.

After all, we may inquire what has the South gained since the Government adopted the policy which she has recommended ? For almost ten years, we have had the nearest approximation to free trade which has ever been attempted by any nation. One-half of all our imports have been actually free. We have had no tonnage duties ; they were repealed in 1830. We have opened reciprocal freedom of navigation to more than one-half of the nations with which we trade. The duties (upon such commodities as paid any) have been sinking, year after year, towards the lowest revenue standard ; indeed, they had fallen below that standard, and the Government has, for some years past, been without adequate revenue to meet its expenses. What has been the effect of all these *improvements*—as, in deference to the free-trade theory, we must call them ? I might answer in one word—bankruptcy.

Our system has been intrinsically mischievous—unpatriotic, un-American. We have stimulated and encouraged foreign labor to excess ; we have refused to encourage American, lest it might interfere with the foreign. We have used all our art to make a market for European operatives ; we have declined



to do this favor for our own. Our policy seems to have had two leading objects :

First, the increase of foreign manufactures ;

Second, the increase of the cultivation of cotton.

The consequence which has followed our endeavors is, that both are overdone. Our markets have been glutted with foreign merchandise ; our cotton fields have been overstocked. The producers on both sides have been losers. Goods have fallen to an unprecedented point of depression ; cotton has shared the same fate. We suffer in each direction from excessive production. Our policy has systematically cramped all other American products. They have but few markets allowed them abroad ; and we have adopted measures to deny them a market at home, by aiming a blow at our manufactures. Thus we have injured both agriculture and mechanical art. Commerce could not but share in these disasters, nor could the currency possibly escape disorder and depreciation. These are the results of our ten years of free-trade ; these the fruits of that political philosophy which has been enforced upon the nation by all the talent, influence and zeal of the South.

The act of the last session, I trust, is the herald of a better state of things. The influence of that act has not yet begun to be felt. We have been too deeply stricken by the embarrassments of the late system to make a quick recovery. Yet now, before that act has exercised its remedial efficacy, we are threatened with its repeal, and a return to all the infatuations of our former policy.

When is this war upon Labor to cease ? This is a question to be answered by the working men themselves. The means of terminating it are in their hands ; they have the casting vote. They have permitted themselves to be divided by the arts of politicians ; and a large and active portion of their body have been found, at times, enlisted in support of the policy against which this letter is intended to remonstrate. Surely, the experience we have lately had is sufficient to convince them of the necessity of a change ! I venture to affirm

that we shall never see the prosperity of the country put upon a safe foundation, until we adopt a system of measures which shall effectively protect our home industry. We have a WORLD of our own ; let us have a SYSTEM of our own. Upon this question there ought to be no equivocal opinion. Those who are in favor of the protective system—and by that I mean a system resting on stronger foundations than the *incidental* support of American industry—should take their stand politically upon it. They should be known from their adversaries ; should maintain their cause at the ballot-box—maintain it as a great paramount principle, worth struggling for, and not to be obscured or lost in smaller party divisions. If we take our stand upon this ground, we cannot but prevail. Succeeding in this fundamental measure, we shall proceed with better heart and better hopes to the remaining great questions of currency and credit which await our care.

BALTIMORE, *October 25, 1842.*

## DEFENCE OF THE WHIGS.

## PART I.

## THE WHIG PARTY : ITS ORIGIN, ITS CONSTANCY, ITS SUCCESS.

To the Whigs of the Twenty-Seventh Congress, whose fidelity to their trust, diligence in the performance of the most arduous duties, and firmness through a period of unexampled trial and disappointment, have won them the applause of a patriotic people, this defence is inscribed in testimony of the esteem of their comrade   October 25, 1843.—DEDICATION.

## I.

## WHAT IS PROPOSED ?

**I**N the struggles of political parties it generally occurs that the purposes of the contestants are misrepresented in important particulars or misunderstood.

The Whig Party, during the last fourteen years—reckoning from the 4th of March, 1829—has been misrepresented or misunderstood more than usually falls to the lot of parties. My endeavor, in what follows, will be to set this matter right.

No party ever arose in any country with juster aims or more patriotic effort, then the Whig Party of the United States. It fought the Battle of Freedom in the Revolution : it has never faltered in its duty since. From the beginning of our national existence to this day, by whatever name it has been called, it has been the consistent, faithful assertor of the principles of free government.

Through twelve years of continued defeats,—during which time a power in this nation, unfriendly to popular liberty, was growing every day more formidable, and the Executive, usurping the name of the Representative of the democracy, was busily assailing the bulwarks which were built up to guard the rights

of the people—the Whig Party, overpowered by numbers, proscribed, for the most part, from all share in the administration of affairs, still faithfully maintained its post and fought for Popular Privilege, with the same devotion that it fought in the gloomiest days of the War of Independence.

Its constancy and fidelity won it the victory of 1840.

The fruits of that victory were shown in the zeal with which the Whigs made haste to redeem every pledge they had given. How the full benefit of that redemption of pledges was wrested from the people ; how it has fallen out that the victory has not been of as permanent and extensive good as the country had a right to expect ; how it is that power has lapsed again into the hands from which it was rescued, is a problem that may be solved by recurring to the history of every cause that has been betrayed by its leader. Some explanation of this disaster will occupy a portion of the pages which ensue.

Against open foes the Whigs have no complaint to make. They meet these on the field of contest forewarned, forearmed ; prepared for the strife and its incidents. But they have felt a touching grief in the destiny which has admonished them to arm against perfidy in their own camp ; against an enemy nursed in their own bosom. The saying is old, but it has a melancholy appropriateness to their misfortune—there is a deeper anguish in the wound when the arrow that inflicts it is feathered from our own wing.

The Whigs have ever striven for the accomplishment of a great good to the country. It is not true, as their adversaries have attempted to make the world believe, that the hope of office or the chance of favor was the motive to their exertions. So long a war were but a weary road to preferment which might be so cheaply got, at any time, by turning recreant to the cause. Your office-hunter has no great patience in a settled minority. Never was there, in truth, presented a spectacle of greater constancy under defeat, or of victory so little sullied by selfish aims. We had our camp followers, it is true, thickening somewhat in our ranks as the day of our success drew nigh.

These might have been seen importunately stripping the dead. But at the first sign of a reverse they left us, and now compose the main body of that forlorn and anxious troop that call themselves *the friends* of the Administration.

It may be accounted an element of strength in the Whig organization, that these have been winnowed from the ranks to which they never brought true hearts, and to whose lofty purpose they have ever been ungenial. Experience has taught us to beware of all clamorous expectants of place. The lesson will not be lost.

In the antagonism of honest opinion there is abundant space for the embodiment of parties. Such division as springs from this source is a fair and useful topic for discussion. My aim is partly to comment upon the history of opinions which have grown up in the country regarding the conduct of public affairs. I wish to show that those entertained by the Whigs have been genuine and eminently patriotic. I do not deny that the opinions of our adversaries have been, in great part, genuine and patriotic. There are many opinions, however, set forth by our opponents and carried into the administration of the Government, which are not entitled to this commendation: many, besides, that, whether honest or not, are intrinsically wrong and productive of great mischiefs in our Republic: many that have been dictated by selfish schemes and propagated to advance the interests of individuals and classes, to the detriment of the large community of the people. My design is also to point these out.

## II.

BASIS OF PARTIES.—FRIENDS OF THE EXECUTIVE.—FRIENDS OF THE LEGISLATURE.—PREROGATIVE AND PRIVILEGE.

We may discern in the progress of all Representative Government professing to be established on the basis of popular freedom, two parties fundamentally distinguished from each other by their views as to the nature of delegated power. These



parties are more or less developed at different epochs, as the events of the day have furnished them excitement.

In English history they have sometimes been denominated the Court Party and the Country Party, but more generally by the names of Tories and Whigs.

The Court Party is chiefly distinguished as the friends of the Executive Power.

The Country Party, without being classed in the category of actual enemies to that Power, are noted for their distrust of it.

This is a division of parties which naturally grows out of the constitution of the public mind, and is as much native to our Republican Government as to the Monarchy of Great Britain.

All experience has taught us that the possessor of the authority and patronage of magistracy may find it convenient to employ these resources for the advancement of himself or his friends. A knowledge of this seduces many to become the champions and apologists of the Executive in every country. There are designing men, there are corrupt men, poor men, or idle men, who hope to find in the good will of the ruling magistrate, the means of promoting their schemes or of adding to their comforts : they become, therefore, his dependents both in opinion and conduct.

There are others, quite honest, who conscientiously believe that a strong Executive is absolutely necessary to maintain order in the State. For this reason they also take sides with the Executive.

These two descriptions of men combine to enlist a large support among the people in favor of the administrative arm of the government.

Their opponents, fearing this administrative arm, and believing that the safety of free institutions is best secured by watching and restraining the Executive, disdain to seek its favor by any act of adulation or by any relaxation of their distrust. These naturally put great faith in the National Legislature. They see in the Executive the fountain of political honors, rank,

emolument, consideration with the world : that it is prone to be selfish, ambitious, crafty : that it has a motive to reward subserviency ; that in dispensing the offices necessary to conduct government, it may so dispense them as to gratify those who defend and applaud it : that it may convert public servants into political minions ; that it may work in secret and corrupt enterprises, and gloss them over with pretences of public good. In all these attributes and propensities of Executive power they find strong motive to regard it with jealousy.

On the other hand, they see in the Legislature none of these attributes. Public liberty is very seldom damaged by the activity of a Representative Legislature ; though it is just to say that history is not without its example of a wicked frenzy in this law-making power. Such example, happily, is rare. In the main, not from the active purpose of Legislative bodies has liberty sustained hurt : but from their tardiness sometimes, from their dissensions sometimes, and from their omissions, mischief has arisen. The imperfection of the Legislature is in its occasional failure, whether from ignorance, division, or sloth, to do what the public good requires ; very seldom in corrupt action or deliberate wickedness of object. It has no personal ambition, vanity or selfishness, because, in fact, it has no person, but is an aggregate of many persons, and these of many minds. Neither has it patronage to gratify a love of making dependents. Two or three hundred representatives may make bad laws, or fail to make good ones, but they have scant motive to flatter any man's pride, stimulate any man's usurpation. The usurper always begins by turning the Legislature out of doors, knowing that while they are free he is not.

Their special duty is to become acquainted with the condition of the body politic ; to inquire into what is done in every department : to inspect every public servant : to look into every corner and crevice of public service and learn what is doing there ; and then to report all that they have seen, heard, learned. What they find out of place it is their duty to set in

place ; what knavery they suspect, to proclaim ; what they discover to be weak, to make strong.

To this end they are called, and are, the Grand Inquest of the nation ; are clothed with all power to *inquire* and *report* ; are empowered to make laws to remedy what is defective, repeal what is hurtful, punish what is delinquent. Thus free Legislation is built upon free Inquiry.

Upon these grounds of favor towards Executive and Legislative Power have parties divided ever since men have practised a representative government.

The people have taken part sometimes with the one sometimes with the other ; generally as their passions have been more or less skilfully excited by the one or the other.

In the days of Charles the First the great body of the English people went with the Parliament, and stood up for Privilege against Prerogative. A turn of the wheel of fortune exhibited them, in a few years afterward, applauding Cromwell for silencing the voice of a free representation, and justifying his assumption of prerogatives more dangerous than those for which Charles had suffered. At the Restoration, the Executive Power found its chief support in the popular advocacy ; and it was not long after this, that the great champions of Privilege against Prerogative, Russell and Sidney, suffered on the scaffold, almost unwept by the millions of Englishmen whose descendants now turn to that scaffold, as to the very altar of Liberty.

Looking, therefore, to the strength which these parties,—Court and Country, as I have called them,—have gained from time to time, and from their nature are apt to gain, it may be said of them that that strength depends in great measure upon the intelligence, and talent to propagate their doctrines, in the political leaders who give tone to public opinion ; and that they who from supineness or from incapacity, are content to give themselves little trouble with their political sentiments, and to take them at second hand, will still, as heretofore, find themselves ranged on the side of Prerogative or Privilege,

will belong to the Court or Country party, will be Whigs or Tories, according to the accidents of the day, or as they may be practised upon by the craft of those who have an interest in giving a particular ply to the floating public opinion of the time. Let this reflection admonish us, that every citizen of a free government should study public affairs for himself, think and determine for himself.

The Revolution of 1688, famous in British history for the overthrow of the Stuarts and the introduction of the House of Brunswick to the throne, gave a prominent distinction to this division of parties. The Whigs of the reign of William the Third and of Queen Anne are notable, above all other things, for their jealousy of Executive and their faith in Legislative Power. They have done more to establish British Liberty, and by deduction from that, more to establish American Liberty, than any other political organization of modern times. I need not recount their struggles to clip the wings of Prerogative and enlarge the limits of Privilege, which give so much interest to the Parliamentary history of that time. The principle of specific annual appropriation ; the restraint of members of Parliament against holding office, under the crown ; the triennial Parliament and annual meeting ; the regulation of trials for treason ; the protection of the liberty of the Press,—among many other improvements of the practice and principles of the British Constitution, bear witness to the enlightened estimate of human happiness and due appreciation of rational freedom made in that day by the Whigs.

It is not to be supposed that these men reached at once the most perfect arrangement of the sureties for civil liberty. But with great sagacity they announced the fundamental doctrines upon which that liberty has been subsequently built up. They were in a perpetual struggle to wrest from Prerogative what they deemed unsafe appendages to Executive power, and to strengthen Parliament with all the faculties requisite to render it a vigilant and effective guardian of popular rights. The Tories labored on the other side, to impress the nation

with the belief that Government could only be healthfully administered by a hand strong enough to overbear and repress what was deemed the licentiousness of the people and their representatives.

The Whig Party succeeded—not in preserving their ascendancy in the councils of the nation—but in stamping their principles upon the British Constitution. Through many reverses and mischances they won success. Often baffled and turned back, always misrepresented or misunderstood, frequently derided and reviled, and but seldom in the actual administration of affairs—still the progress of their principles was onward, and they had the satisfaction to see the cause of human liberty gradually intrenching itself behind the bulwarks they had erected: even to witness this consummation at the moments when party rage and the fanaticism of political zeal excluded them from all share in the management of Government—a noble homage to the wisdom and fidelity of their labors!

Not without hostility from the people, in whose behalf they had so long and faithfully toiled, was this conquest achieved. It is one degree of virtue to pursue, with steady sagacity, good ends, when all the means are at hand and the mass of mankind look on, approve, and assist: it is a still higher degree of virtue to persevere in a good work, when means are scant and they who should be allies and partners in the endeavor, are indifferent spectators: far nobler than this to persevere when the beneficiaries of our toil are open opponents or vindictive foes. History is full of instruction and admonition to the great community of every nation, how deep is the stake of human happiness dependant upon a just conviction by the people,

First, Of what is true liberty, and

Second, Of what are the real aims and personal objects of those who climb to the head of a party.



## III.

## AMERICAN WHIGS.—THE MADISONIAN PLATFORM.

Our own Revolution of 1776, which a careful student of political history may trace to that of 1688, brought to view the same division of parties. We had our Tories and Whigs, our friends of Prerogative and our friends of Privilege. Again the battle was fought and won by the Whigs.

The war of the Revolution was waged against the encroachments of Executive Power. Witness that beadroll of complaints set forth in the Manifesto of Congress declaring our Independence :

“He has refused his assent to laws the most wholesome and necessary for the public good.

“He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation until his assent should be obtained ; and when so suspended he has utterly neglected to attend to them.

“He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the Legislature, a right inestimable to them and formidable to tyrants only.

“He has called together Legislative bodies at places unusual, uncomfortable and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

“He has dissolved Representative houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

“He has refused for a long time after such dissolutions to cause others to be elected, whereby the Legislative powers, incapable of annihilation, have returned to the people at large for their exercise, the state remaining, in the mean time, exposed to the dangers of invasion from without and convulsions within.

“He has obstructed the administration of justice by refusing his assent to laws for establishing judiciary powers.

“He has erected a multitude of new offices, and sent hither swarms of new officers to harass our people and eat out our substance.

“He has kept among us in times of peace standing armies without the consent of our Legislatures.”

These, and others of the like character, are the grievances for which the Whigs took up arms. The purpose of that war was to rid the nation of this domineering Executive, and secure to themselves a free Legislature.

Before separation or independence entered the thoughts of our people, the contest stood substantially upon the same ground,—the Privilege of a Representative Legislature against the Executive Prerogative. It was in fact a revival of the old quarrel of Parliament with the Stuarts on the question of loans, benevolences and ship money.

Many men of the colonies in that day, whom we must admit to have been honest and attached to the country, did not concur in this general zeal against Executive Encroachment. Many, besides, who held office under the crown, or who hoped for office under the crown, saw no danger to public liberty in the restraints put upon domestic legislation. They who hold office and they who expect it, will always be the last in any country to see danger in the Executive power.

These opponents to the Revolution principles were the Tories of that day. They were vanquished by the Whigs.

When the war came to an end, it may be said there was but one party in the country. The Whig principle was established and all resistance to it was withdrawn. The next task of those who had conducted the war, was to erect a form of government which should embody the political doctrines of the Revolution. Every man then desired to see a government so constructed as to secure the faculty of administering to the happiness of the people with the least possible hazard from Executive power.

The first general conception of a guarantee against oppression, and upon which there was no division of opinion, was in a strong Representative Legislature.

As to the amount of power which might be confided to an Executive—upon that point all the old jealousy was awakened. In all the embarrassments growing out of the old Confederation, this fear of the Executive ever stood in the way of change. In all the discussions upon the formation of the Constitution of 1787, this fear of the Executive was the chief stumbling-block. I will not stop to indicate the points of these discussions. They are common history.

There were enlightened patriots of that epoch upon both sides of the question. No longer divided in opinion as Whig and Tory, they were, nevertheless, as friends of a popular Representative Republic, divided in opinion as to the quantum of power which it was safe to trust even to an Elective Republican Magistrate.

It is impossible that men could be more honest or more in earnest than these. Then, there was a question of the conflict between Federal and State power ; a question which is not yet settled, though fast growing to be so.

Naturally some men's minds incline towards Prerogative, from an idea that the popular impulses require to be checked by a strong hand. A powerful party grew up in the nation upon this opinion. The same habit of thinking which made men friendly to the Federal, as distinguished from the State power, inclined their minds to the fancy of a strong Executive ; and thus it came that the Federalists were, to a certain extent, identified with the supporters of the Executive power.

Then again, naturally, and by complexion of character, many men run into extremes in regard to the removing of all restraints upon popular action ; and they fall into mischievous conclusions in that direction of opinion. The French Revolution, whose fires were discernible, even within this remote horizon of ours, witnessed some of these extremes and taught them to our citizens.

Thus a contest arose of ultraisms in our political schools ; and, for years, the harmony of public administration was disturbed, and sometimes embittered by the strife of parties, which having, in the main, no other than patriotic aims, maintained their antagonist positions without material injury to any interest in the State. In fact, being nearly balanced in power and equally distinguished in talent, they promoted that degree of watchfulness of each other which, with good reason, has been said to be a surety for the healthful administration of affairs.

In this strife the active politicians, only, took a deep interest. The great body of the nation felt secure in the conviction that the public liberty was in good hands. Some flatterers of the administration, some incumbents and many expectants of office were, doubtless, active—as such persons always are—to give the greatest degree of significancy to the opinions of their party. On the other hand, some demagogues, seeking favor from the great body of electors, and lauding the people in that fulsome phrase which only demagogues will utter, and which is never employed by a man who has a true respect for the good sense of his fellow-citizens—on their side strove, by like devices, to exalt the value of party opinion. Each of these fomented division ; exaggerated the weight of their political influence ; magnified frivolous distinctions ; engendered, no doubt, much useless hatred.

But in the midst of this strife, looking on, not anxiously caring for the issue, but still watchful of events, was a large mass of substantial citizens, deeply implicated in all that concerned the prosperity of the country ; men having inheritances of good name to support ; having close alliance with all that constituted the strength, the wealth, the labor, the success, the glory of their country ; the men employed in the business of this nation, and who hoped to hand it over to their children as something to be proud of—all these stood by, caring something, perhaps, for the ascendancy of the parties of the day, but caring more that the generation to which they belonged should in no jot detract from or impair those sacred principles of human

right and civil liberty which had been won by their ancestors in 1688, and still more securely knit together and confirmed by their ancestors of 1776.

Thus, in no visible array or manifest organization, but unembodied and comparatively in repose, the Whigs of this Union remained spectators of events, content to take such various interest in public measures as the passing questions of the time might excite, yet but little inclined to party agitation as long as the fundamental Whig principle was likely to sustain no detriment in the conduct of those at the head of affairs.

Such was the state of the nation toward the close of Mr. Madison's administration. There had been turbulent feeling before this, because political opinion had been passing through an exciting transition, from the date of the election of Mr. Jefferson to the close of the war, and many hot ferments had been engendered. The calm and philosophic temper of Mr. Madison, the purity of his character, the sincerity of his patriotism, and the sagacity of his intellect had inspired universal trust, except, perhaps, in a few Federalists, in whose minds an ancient grudge yet rankled. With this exception, a balmy peace reigned throughout our political world. The extremes of Federalism had been tempered with an infusion of Democratic flavor; the extremes of Democracy had been melted in an amalgam of Federalism. Both were the better for it. Above all, the Constitution was settled; its Whig basis strengthened; and many men thought that, from that day, it was a book interpreted and certain. Truly, I think that the Constitution of the United States, as expounded and practised by Marshall and Madison, is the very Constitution of our forefathers! I desire no farther commentary: from that day forth it has been to me an article of faith: my creed therein is written.

This was the glory of Mr. Madison's administration, that it made peace between parties; that it established the true import of our fundamental law; and that it marked out the administrative policy of this people, both in their outward relations and in their domestic affairs. The Madisonian basis



of the American Government and policy may be regarded as one established by the almost universal consent of the country. It was wise, being the product of careful thought and just consideration of the temper and aims of our people ; it was likely to be permanent, because it grew out of a calm and dispassionate state of public feeling, auspicious to durable settlements. An experience of twelve years, from 1816 to 1829, has proved it to be eminently calculated to advance the comfort, the prosperity, and the strength of the people.

First. It settled the construction and practice of the Constitution on the foundation of the Whig doctrines : this construction and practice was chiefly manifested in the high respect and confidence of the nation in the Legislative power, and the scrupulous adherence of the Executive to its orbit.

Second. It settled the policy of the Government. Witness these measures :

It regulated the Currency by the control of a National Bank, and, through this instrumentality, checked and finally removed the mischief of excessive State Banking.

It protected the Domestic Industry of our people, by the establishment of a Tariff of Duties specially directed to that object.

It promoted Internal Improvements in the nation, by giving the aid of government to useful enterprises which were beyond the capacity of individual States ; a policy which, if it had not been since abandoned, would have saved the country that load of State debt which has become of late almost equally our misfortune and our disgrace.

It enlarged the sphere of our Commerce and Navigation, by tendering to foreign nations reciprocal privileges of trade restricted within certain limits defined in the legislation of 1815, and in the Convention of London of that year.

It devised the plan for paying off the public debt.

It placed the public expenditures upon the footing of a strict economy.

It discountenanced and subdued all attempts to connect

office with the means of political influence ; and left the public servant free from that odious inquisition into his opinions which has since made him either the victim or the confederate of spies and informers.

In short, its whole scheme of administration was national, American, liberal and honorable. It infused that sentiment into the mind of the people, and rendered them, everywhere, throughout all classes, honorable, high-minded, and patriotic.

This was the inheritance to which Mr. Monroe, and, in due succession, Mr. Adams succeeded. They conscientiously adhered to this truly republican, equal and beneficent system of administration. The consequence was a progressive increase in every element of national happiness. Under the working of this system the nation gradually arose to a state of unexampled vigor. The havoc of the war was slowly but surely repaired. The currency, from a state of extraordinary derangement, was brought into singular purity. Manufactures and the mechanic arts were rapidly trained from a feeble infancy to a robustness almost incredible. Commerce and navigation were increased ; the war debt was paid ; and that series of internal improvements begun which, however they may have involved those who constructed them in debt, are worth more to this Union than ten times the cost expended upon them. They are works from which the National Treasury should never have been withheld : they are works which now belong more to the people of the United States than to the States in whose borders they lie, and for which the people of the Union are equitably and honorably the true debtors : they are works which, by a policy as cruel as it was unstatesmanlike were ever committed to the unassisted enterprise of the States.

This is the outline of the Whig doctrine in reference to the fundamental characteristics of our government, and also of its policy.

The Whigs stand emphatically upon the Madisonian platform.

## IV.

## AN ANCIENT GRUDGE.

But for a very notable intrigue, the political repose which distinguished the era of Mr. Monroe's administration might have continued to this day.

There were many men who had grown tired of waiting for change through that long sixteen years of Virginia domination personated in the Presidencies of Mr. Jefferson and Mr. Madison. There were, besides these, the overthrown Federalists, whose hope deferred, through these same sixteen years, had made them sick at heart. Not the wisdom of such of their leading measures as the democratic administration had adopted ; not the patriotic and gallant part many of them had taken in the war ; not their acknowledged abilities and brilliant services in legislative halls, had propitiated the absolute hatred of their name, which, in certain political sections of the country, still kept them under the popular ban and excluded them from office. The triumph of the war seemed only to have sealed their fate and given them over to a rigorous proscription. The nomination of Mr. Monroe to the succession was a token of another eight years' prolongation of their penance. Many fell off and joined the other side ; many melted away into neutrals ; many stood their ground, watchful as lynxes, and "feeding fat their ancient grudge" with the thoughts of a day of retribution, when the democracy should be coupled like hounds and the leash be held in their hands. Verily, they have watched to some purpose !

A rally was proposed, in 1815, to prevent the nomination of Mr. Monroe : a rally of all who were weary of Virginia Presidents, and of all who were weary of Democratic Presidents. The rally point was to be Andrew Jackson ; the man who suggested it was Aaron Burr. Hear some words from his letter to Governor Alston, November 20, 1815 :

"A certain junto of actual and factitious Virginians having

had possession of the Government for twenty-four years, consider the United States as their property."

"One of their principal arts, and which has been systematically taught by Jefferson, is that of promoting State dissensions—not between Republican and Federal—that would do them no good—but schisms in the Republican party."—"Let not this disgraceful domination continue."

"The moment is extremely auspicious for breaking down this degrading system. The best citizens of our country acknowledge the feebleness of our administration."—"If then there be a man in the United States of firmness and decision, and having standing enough to afford even a hope of success, it is your duty to hold him up to public view—THAT MAN IS ANDREW JACKSON. Nothing is wanting but a respectable nomination, made before the proclamation of the Virginian canvass, and Jackson's success is inevitable."

"One consideration inclines me to hesitate about the policy of a present nomination. It is this—that Jackson ought first to be admonished to be passive: for the moment he shall be announced as a candidate he will be assailed by the Virginia junto, with menaces and with assiduous promises of boons and favors. There is danger that Jackson might be wrought upon by such practices. If an open nomination be made an express should be instantly sent to him."

"If you should have any confidential friend among the members of Congress from your State, charge him to caution Jackson against the perfidious caresses with which he will be overwhelmed at Washington."

These are disjointed fragments of Aaron Burr's letter of 1815. They are at the fountain head of the new order of American politics.

This was the first movement of the anti-Jeffersonians to find a leader—make a new dynasty.

With the anti-Jeffersonians, the portion of the Federalists who were still militant, combined. General Jackson was applied to: a secret negotiation was set on foot. How far he

acquiesced may be gathered from his subsequent conduct. This is certain, the pear was not ripe in 1815. The Virginia junto triumphed, and Mr. Monroe, odious to the anti-Jeffersonians and odious to the militant Federalists, obtained the nomination. And so came eight years more of probation to the expectants.

General Jackson, from that hour was the candidate of these combined forces. His position was peculiar. He had no conspicuous antagonism to any of the parties. His political opinions were believed to be of a liberal Whig cast. In regard to measures he was, in a great degree, uncommitted. Personally he was known to be firm ; he was undoubtedly patriotic ; and he was reputed to be frank, open, and honest. With Burr, with Mr. Van Buren and the Federalists he had opposed Mr. Madison's second election—not for the reasons which governed Burr, Van Buren and the Federalists, but because he preferred Mr. Monroe as the better man in the crisis. This opposition was one ground of his favor with the Federalists. His letter to Mr. Monroe, January 6, 1817, is very noteworthy on this point. Read this extract from it :

“I have once upon a time been denounced as a Federalist. You will smile when I name the cause. When your country put up your name in opposition to Mr. Madison I was one of those who gave you the preference, and for reason that, in the event of war, which was then probable, you would steer the vessel of state with more energy. That Mr. Madison was one of the best of men and a great civilian I always thought ; but I always believed that the mind of a philosopher could not dwell on blood and carnage with any composure ; of course that he was not fitted for a stormy sea.”

General Jackson concurred with Mr. Madison's political views as a civilian. These views were Federal in many important points—that is to say, on the question of a National Bank, on Internal improvements, on the Protective policy. So far again General Jackson and the Federalists were in harmony.



He was a soldier ; at that time greeted with lavish honors by all sections of the country, by all classes of society, by all political parties. He was, therefore, tolerant and full of good feeling to all men ; and especially kind to all those of the Federal party who had sustained the war, and who had gone into the ranks. The idea of proscribing a good soldier or a soldier's friend from the confidence of the administration, because he was a Federalist, was particularly abhorrent to General Jackson. This sentiment is expressed in strong language in the letter to Mr. Monroe quoted above, and the General there, in accordance with this sentiment, advises the President to dismiss party considerations and call a distinguished Federalist of the war into his cabinet.

This temper formed another bond of amity and relationship with the Federalists.

Now, with a man so endowed, so circumstanced, it was obvious that the Federalists might redeem their lost honors and even win the absolute supremacy in affairs. Such of them therefore, as coveted office, entered heartily into the plan, and General Jackson was thus dedicated by them to the contest of 1824.

It is said that his letter to Mr. Monroe, November 12th, 1816, was, in fact, written for him by a distinguished Federalist of that day. By whomsoever written, the sentiment it utters is worthy of a great man, and General Jackson's adoption of it does him honor.

“ Every thing ”—he says to the President elect, who was then just preparing to open his administration—“ depends upon the selection of your ministry. In every selection party and party feelings should be avoided. Now is the time to exterminate that monster called party spirit. By selecting characters most conspicuous for their probity, virtue, capacity and firmness, without any regard to party, you will go far to, if not entirely, eradicate those feelings which on former occasions threw so many obstacles in the way of government, and perhaps have the pleasure and honor of uniting a people heretofore politi-

cally divided. The Chief Magistrate of a great and powerful nation should never indulge in party feelings. His conduct should be liberal and disinterested, always bearing in mind that he acts for the whole and not for a part of the community. By this course you will exalt the national character and acquire for yourself a name imperishable as monumental marble. Consult no party in your choice ; pursue the dictates of that unerring judgment which has so long and so often benefited our country and rendered conspicuous its rulers. These are the sentiments of a friend ; they are the feelings, if I know my own heart, of an undissembled patriot."

This letter shows the state of feeling into which the negotiation for a Presidential candidate had at that time brought the mind of General Jackson.

With the exception of the small clique in whom the nomination originated and their confidants, this movement was a profound secret, and the name of Jackson, as a candidate, was kept out of hearing until the proper moment to make its announcement effective. In due season it was brought out. It had the aid of all the customary machinery by which volunteer nominations are coerced, and impromptu effusions of public feeling are prepared. There was first a biography written by one in the secret, and then those zephyr whispers which precede the dawn. Then the gradual dawn itself : a faint streak on the horizon, a flush, a strengthening twilight, a broad and golden aurora, and then the God of Day himself, "rejoicing as a strong man to run a race."

The other candidates were Adams and Clay, Crawford and Calhoun.

Neither Adams, Clay, nor Crawford had many hopes to indulge of support from the Federal party. They had not wooed the Federalists :—and "the old grudge," if it alighted upon one head more heavily than upon another, was upon the head of Henry Clay. He, at least, had never courted the Federal party :—had very seldom spared it. To Calhoun and Jackson that party directed its chief favor.

Every one remembers the sudden collapse of Mr. Calhoun's pretensions in 1823, and thereupon the amalgamated ticket of Jackson for the Presidency and Calhoun for the Vice-Presidency.—To that standard, straightway, rallied the whole body of that class of Federalists who desired to become political characters and who stood within that category of Jackson's favor of having been friendly to the war. There was another class of Federalists in the country, whose leaders Jackson had declared to Mr. Monroe he would have hung under the 2d section of the articles of war. These, of course did not come under the new banner.

So much for the political men of that day. There were, besides, a vast multitude of private citizens, Federalists of the old school, who, seeking nothing for themselves, having no eye to public employment, and anxious only to preserve the harmony and prosperity of the country, took sides with the various candidates, under the influence of their own personal estimate of the fitness of the men to conduct the affairs of the nation.

Now, it is worthy of observation in all this stir of the public mind,—and it is mainly to present this remark that I have hastily glanced at the character of this presidential contest—that, from beginning to end, the movement was one that rested solely upon questions of personal predilection, and in nowise involved any question of constitutional doctrine or system of political measures.—All stood, at that day, upon the Madisonian Platform ; none more distinctly upon it than General Jackson.

Whether for Adams or Clay, for Crawford or Jackson, the country hoped to see the measures and the doctrine of Mr. Madison and Mr. Monroe left unchanged ;—not only left unchanged, but promoted, continued, made permanent by all Legislative and ministerial concurrence. I will not say this desire was universal, because we had some few abstractions then such as we have many now : there were quips and quilllets then, and fancies in some quarters ;—but the broad, good, common

sense of the nation spoke from the tongue of a huge majority in favor of the Madisonian system. Thus it was that through that contest the Whig spirit of the nation was still unembodied :—not nonexistent, for it lived as vividly then as at any era. But there being no apprehension of assault upon it, no motive to give it an array, no occasion for it to utter its voice, it dwelt in its private homes, and among our household gods, as a guardian genius which was not to become outwardly visible until the country's invocation should conjure it up to the stern duty of defence. Thus, too, it fell out that multitudes of Whigs gathered to the support of Jackson and Calhoun, confiding implicitly in the conviction that, in the character of General Jackson, they had every guarantee that the purity and the predominance of our free institutions would be preserved.

There were many warnings against this confidence. Those who knew General Jackson best affirmed that there was danger in his temper, in his unskilfulness and incapacity for civil station, in his personal partisan habits, in his stern self-will nursed in camps and hardened by the universal spirit of assentation that filled his atmosphere of command. That his deficiencies would necessarily render him dependent upon those who had the craft to guide him, and that there was danger,—as Burr, who was well acquainted with him, expressed it—he “might be wrought upon.”

To all such forewarnings little heed was given. They rather stirred the friends of Jackson to a greater trust in him, because much calumny was detected and exposed in the revilings of political adversaries. And naturally, thereupon, these warnings were attributed—as in part they were justly so attributed—to political malice, or were set down to rivalry.

General Jackson's defeat in the House of Representatives in 1825, brought a new element to his support. The public ear was filled with stories of intrigues behind the curtain ; and as the truth could not be come at,—for truth in such matters is never found until what may be called posthumous history clears it up,—the people solved the problem of the defeat by a politi

cal postulate, which, whether right or wrong,—and that is yet a question of debate,—was altogether sufficient to elect General Jackson four years afterward, by a large majority. That postulate was that the House of Representatives, when put to the decision of the Presidency between three or more candidates, should choose him who had the greatest number of popular votes. In other words, that the choice should fall on the plurality candidate : which postulate, if it be true, would seem to make the ceremony of a vote in the House of Representatives, a mere ceremony.

However, so it was,—and General Jackson became President on the 4th of March, 1829.

## V.

### FIRST INSTALMENT.

I am not so confident as to affirm that if no secret movement had been made, in 1815, to bring out General Jackson against Mr. Monroe, by the anti-Jeffersonians and the grudge-bearing Federalists, General Jackson would not have been ultimately nominated, and perhaps elected. On that point I am not concerned to speculate. But I do remark that that secret movement brought him within the attraction of influences to which the country is indebted for the larger share of its recent sufferings.

Burr selected Jackson to break down the Jeffersonian dynasty. The Federalists selected him partly for that purpose, but chiefly because he was known to possess an ardent wish to see the old party lines destroyed and the Federalists of the War brought into the view of Government. They knew that his popularity, won by great military achievements, might be made a sure card with the majority of the nation. It was a brilliant piece of pyrotechny, which it was only necessary to touch at the right season to produce one of the most dazzling displays that the country had ever beheld. But great judgment was necessary to find that right season. Obviously it was not in 1815, when Monroe, an old soldier of the Revolution, was



in the field. That was another piece of pyrotechny, which stood in case to be let off first. The interval of Mr. Monroe's eight years was employed in preparation for the impromptu of 1823. In that interval the letters I have heretofore quoted were written, and published in the newspapers: not written *by* General Jackson,—rumor has always said,—but written *from* him. Written by those who enjoyed his confidence, and who felt an interest in presenting his tolerant opinions in party matters before the world, and adopted by him as true exponents of his own sentiments, which at that time, doubtless, they were.

These letters drew especially the Federal eye upon him, and carried, in the end, a large number of the subtlest, the skilfulest, and the most aspiring members of that party into close communion with him.

Now mark the grouping around General Jackson in the canvass of 1824. On one side of him, sitting close to his ear, an active, astute, keen-sighted, highly educated bevy of politicians, with a long hatred of the Democratic rule festering at their hearts, with a heavy score of notched revenges filed in their memory, with wrath to plan, and talents to do any amount of mischief on their enemies ;—these sitting there favored and confidential advisers of that strenuous man, whose power only needed skilful direction to render it overwhelming. On the other side of him, a host of young officers and companions in arms, who had shared in his battles, and had become identified with his fortunes: many of them needy, all ambitious, covetous of distinction, subservient to his will, alert, brave, restless, full of capability, and ready by all means,—by persuasion, by influence, by bustle, and by brawl,—to propagate his ascendancy wherever it might be questioned. Then all below him, filling a huge space, that mass of men whose numbers cannot be counted, who, in every country, are the flatterers of military renown, and who cannot conceive any duty to the State, or any contribution of service, as worthy to be compared with military duty and service: that great mass, stirred by patriotic impulse, but ever most apt to fall into the extreme of an excessive ad-

miration of heroical achievement, permitting that sentiment to preclude all doubt of other capability, silence all distrust, refuse a hearing to all invocation of inquiry.—I need only say, Andrew Jackson was, at this time, rampant on more than ten thousand sign-posts. What heraldry affords such a blazon? What record of a popular apotheosis like this? What was needed to bring this sentiment, so painted on the sign-post, into mighty and resistless action but a nomination, a canvass, some flowing rhetoric on the stump, some artful shedding of printer's ink?

These were the surroundings of General Jackson in the canvass of 1824. In addition to these were many quiet, thoughtful citizens—a very large number—who had great faith in his peculiar honesty of purpose, in his love of country, in his judgment of manly men.

When the time came this mass was put in motion. That it failed in 1824 was no fatal omen. The pear still was not ripe. The combination, even then, was the strongest that was in the field. The disappointment of 1824 only whetted the edge of appetite. The belligerent Federalist thenceforth became more belligerent. The gentlemen of the "bilbo and buff" began anew "to stride, swear, and swagger;" and the great multitude raised one loud and long shout of exhortation to another trial. That trial was successful;—much to the delight of certain of the old Federal party; much to the delight of the officers of 1814, now growing gray, and those of the Seminole war, still young; and much to the delight of all those who look to the sign-posts—no very bad standard of judgment—for a true record of public worth.

General Jackson could not but feel, in 1829, that he owed a great debt of gratitude to the Federalists. They took care that he should not forget it. They crowded round him in the first moments of his success: took possession of his ear; told him who was who, and what was what; insinuated themselves into his confidence, and, finally, became inducted in the choicest offices of the government, each according to his qual-

ity and pretensions, from the chief cabinet station down to the chief tide-waiter in the custom-house—new tenants in strange places ! And thus did it come to pass that, after thirty years, these captives of Babylon were restored to their ancient seats. This was the payment of the first instalment of “the ancient grudge.”

## VI.

### SECOND INSTALMENT.—UPRISING OF THE WHIGS.

THE payment of the second instalment was a different thing. The first was the giving of alms—a few crusts to a few sturdy beggars. The second was an incubation of curses. Wo worth the day that saw the alighting of that Federal vengeance upon this land !

General Jackson had come to the Presidency in masquerade. The people had known him as a soldier, frank and bold. As a civilian, as a statesman, they did not know much of him, except that he had shown himself in the Senate a friend to the Whig measures, internal improvements, and Tariff, and no enemy to a National Bank. In all other points of qualification they took him upon inference from the capacity he had displayed in war, and from the direct representation made of himself in the sundry letters to Mr. Monroe and others, and such documents as had been put forth under his name ;—all which letters and other presentations of himself were, at that time, believed to be genuine. They were not genuine, but, on the contrary, simulated.

Now, General Jackson, in the beginning of this Presidential movement, was truly honest in his estimate of himself, and expressed a natural surprise that he should be thought a suitable man to be made Chief Magistrate ; and truly, this diffidence of his in that day, is the most genuine proof of his fitness to be President which may be remarked in the history of the event. If that sentiment had not grown weaker, and in the end come to be entirely obliterated, he might have been

all that the Country had expected of him,—an earnest, faithful and wise Magistrate.

But as the time came round, and improbabilities were changed into probabilities, and every day gave him new proofs that his chances and hopes were strengthening towards certainties, he submitted himself more and more to that guidance the policy of which was to conceal and misrepresent him. There was a *cordon sanitaire* drawn around him, or a *cordon taciturne* rather. He was in quarantine; and all that came to him, and all that went from him, came and went through an official: as to all true exhibition of himself, he was a man forbid. Others wrote for him, spoke for him, acted for him. It was a candidacy in commission, vicarious, and seeming what it was not.

General Jackson was not an educated man. He knew little of principles of government, especially of free government. But he was a shrewd man, with strong natural sagacity, of a domineering temper, of restless will, and like Sir Anthony Absolute, “no one more easily led when he had his own way.” His fortune in this Presidential canvass presented him a visible profit from dissimulation, and he became the most cunning and effective dissembler of these modern days.

There sat, all this time, “squat by his ear,” that toad of Federal vengeance whispering the payments of its debt in such instalments as time should bring. What leprous distilment of ancient hate was poured into that ear, we shall read in the annals of ten years of such mischief as this land has never before felt.

The Inaugural was a fair and honest paper, modest, patriotic, expressing sound Whig doctrine.

“I shall keep in view the limitations of Executive power :

“I shall not confound State powers with those granted to the Confederacy :

“I shall promote a strict and faithful economy :

“By a proper *selection* of the subjects of impost, the interests of agriculture, commerce, and manufactures shall be equally

avored—exception being made for the *peculiar encouragement* of products that may be found essential to our national independence :

“ I will be friendly to internal improvement and the diffusion of knowledge, as far as they can be promoted by the constitutional acts of the Federal Government :

“ I will give heed to the correction of those abuses which have brought the patronage of the Federal Government into conflict with the freedom of elections.”

There is a summary of the Inaugural.

Here, in the first utterance of General Jackson's administration, was the old Whig jealousy of Executive power soothed and conciliated.

Now, read the Message to Congress that followed this paper—8th of December, 1829.

See what promises there of curtailing Executive power. First, the proposition to limit the President to a single term : then, the old Place Bill of William and Mary,—the Whig measure of 1692,—brought to view by General Jackson himself, in the recommendation to restrain the President from appointing members of Congress to office. Then, a solemn abjuration of all doubtful powers, and a reference of all doubtful questions to the people. Then, rigid accountability of public officers and punishment of all defaulters, and dispensing with all useless officers.

So much as to doctrine.

As for measure,—

First, A Tariff that should place our own manufactures in fair competition with those of other countries.

Second, The distribution of surplus revenue for “ the improvement of inland navigation and the construction of high-ways in the several States.”

Third, A National Bank founded on the credit and revenues of the government.

These were the first enunciations of the Jackson administration,—the published chart of its voyage. Add to this for-



mula that famous declaration in the message of December, 1832—"It seems to me to be our true policy that the public lands shall cease, *as soon as practicable*, to be a source of revenue"—and what remains behind this sum of doctrine and measures to make up the epitome of Whig principles?

This was the Whig Jacksonism in the innocent days and youthful prime of that fearful administration. What wonder that, in 1829, the country was quiet and full of joyful anticipation!

The odor of these promises had scarcely faded from the breath that uttered them, before a most disastrous change came over all things. I doubt if history furnishes a stronger testimony to the instability of human hopes than in this very instance of General Jackson's promises and performance. Never was the faith plighted in wooing more slighted in wedlock; never was husband more unlike lover—than the faith plighted by Jackson seeking office was slighted by Jackson holding office; than the hero of Orleans firmly seated in the Presidential chair was unlike the same hero when clambering to it.

Straightway we had loud and peremptory assertion of Prerogative against Privilege:—not made with qualification and modest reserve of conditions; but made in boldest amplitude of claim.

Straightway we had the kingly Veto hurled, like Jove's thunderbolts, against all contumacious law-makers, representatives, dissenting people.

We had unblushing exercise of all doubtful powers that in any time before, or by any political party, had ever been called doubtful.

We had defiance, vituperation, reproof of the Legislative Power, as an insolent meddler with the royal prerogatives claimed for the President.

We had contempt for all highest judicial decision on the import of laws, and proclamation that all laws shall henceforth be executed as "I understand them"—or not executed, if I shall judge them unconstitutional, at my sovereign pleasure.

We had that notorious pretension—"I am the Executive—all officers are my officers and responsible to me only, and not to you, the Legislature ;—I have commanded them not to answer you, but me."

We had that very ominous and significant claim, "the President is the direct representative of the American people"—and the corollary from it, that the representative of the *whole* people was not to be molested, inquired after, impertinently inspected by the representatives of fragments of the people.

Has any one forgotten Napoleon's interview with the Deputies when he came from Leipsic in 1813?—"You are not the representatives of the people,—you are only representatives of the Individual Departments. But you seek in your address to draw a distinction between the Sovereign and the People.—I,—I am the only real Representative of the People."

We had that old Whig measure of 1692,—the Place Bill, as it was called in that day—General Jackson himself having revived and recommended it in his message, as we said,—we had this measure thrown to the winds, and members of Congress appointed to office in greater numbers than had ever been practised before by any President :—by all former Presidents put together, perhaps.

We had announcement of the President for a second term, and strenuous effort to obtain it by all manner of bringing of Patronage into conflict with the freedom of election.

We had organized party action against another old Whig measure, famous in English history, in the struggle of Privilege against Prerogative—the bill to disable officeholders from active interference in elections,—which was introduced into the Senate by the Whigs, and most diligently opposed by the Administration.

Then we had pocketing of bills when majorities of two-thirds were ready to pass them in spite of the Veto.

We had Removals of Deposits when Congress had resolved they should not be removed ; and denial of the right of Con-

gress to take the Treasury from the control of the Executive ; —hand that held the sword, claiming to hold the purse.

We had, consequent on this usurpation, Removals of High Officers of the Treasury and Cabinet, because they would not do what Congress told them they must not do.

We had blind and infuriated demolition of the Bank,—for the sake of a “better currency !”—We had the building up of some half thousand paper-breeding, high-pressure, thimble-rig Banks, strown from Passamaquoddy to Opelousas, flinging their windy missiles over the land “thick as autumnal leaves in Vallombrosa :”—this too—for the sake of a “better currency !”—These half thousand, with each a President, a Cashier, a dozen or so Directors, a dozen or so Clerks ; every president, cashier, director, and clerk having a cousin at least ; and then a most commendable Seventh Ward Bank spirit of compliance ! —with many new mouths to be fed, with many millions of new speculations to be fostered, with many millions of old insolvencies to be patched up ;—with the Treasury recommendation besides, in the foreground—“accommodate the People with the Public funds :”—All this, too, we had—for the sake of a “better currency !” Which better currency, of course, it brought us !! And, hard upon all this, we had Specie Circulars and Hard Money. And then came most pathological winding up of all this queer history, in sanctimonious sermons levelled against the wicked Whigs as Rag Barons, and patrons of the abominable abomination of paper money !

We had war against the Tariff ; war against Internal Improvements by the Federal Government ; and most fatherly advice to the States to spare not in making all manner of improvements themselves ;—which advice the States,—being most loyal and in good hands—for the most part, thankfully received and obeyed to the letter.

We had war on the scheme to take the Public Lands “as soon as practicable” away from the revenue of the Government and to give them to the States to whom—as, in old time, all confessed,—they belonged, and for whom,—it was a common

opinion which neither party was once bold enough to deny,—they were held in trust. On this an active and unsparing war :—a war to the extent of pocketing—*usque ad loculum*—with supererogatory veto besides.

And then, for Economy and Retrenchment ;—for strict accountability of Officers, and condign punishment of Defaulters—what in the vocabulary of the English tongue is the *reverse* of all this, have we not had !

Why should I recall that sad history which furnishes the particulars of this long catalogue of broken promises ? The visible scars of commerce, agriculture and manufactures are yet vivid memorials of these broken promises.

I have brought these incidents to view for no idle purpose. It is to show that the career of General Jackson's administration revived every cause of contest which had ever embodied the Whigs in past times. It exhibited in terrible proportions that old phantom of Prerogative shaking his dart against Privilege—a phantom first and then a Devil—against which every Whig antipathy that resided in an American bosom was sworn to do eternal battle.

Who instigated these wayward freaks of authority ? There were cunning Greeks that had entered the citadel in the Horse's belly, and who taught the people of our Troy to worship the Horse-God himself ?—The Grudge was in the full progress of satisfaction. The second instalment was a paying.

The year 1830 witnessed the new embodiment of the Whigs. From that day the rally bears date. Thousands and tens of thousands of Whigs hastened from the quiet of their long retirement, to raise again their honored banner to the breeze, and to seek the fellowship of a new war in behalf of Privilege against Prerogative. Speedily they grew to be a mighty host. Assuming their ancient name, renouncing all other, they planted themselves in robust opposition to that Executive, which, misadvised by treacherous friends and intoxicated by its almost immeasurable popularity, had dared to revive the old quarrel—had dared to set itself above that cherished Leg-

islative power upon which our Whig forefathers had reposed as the surest defender of Free Government.

Sudden invasion by a foreign foe could scarcely have given more alacrity to their rising, or stimulated the Whigs into more rapid array, than was witnessed in this glorious impulse of patriotism. Eternal honor to the men who reared the Whig banner of 1830! How many standing, until then, on terms of friendship with Jackson—nay, of admiration even—having chance and opportunity, if such had been their wish, to gather preferment and official emolument from him—how many of these parted from him, then, forthwith forever? Was there ever such falling off of bold and honest men from the train and following of a conqueror before? In the very midst of his triumphs and palmiest day of his power, they left him: left him, not to indulge in the inglorious ease of neutrals, but to contend against him and his overwhelming and impetuous partisans on every field. They left him, resolved unceasingly to strive in the unequal conflict, until the obsequious fervor of the times should be sobered into a cooler mood, and the genuine American spirit of jealous Liberty should, as inevitably it would, rise again in the breasts of the nation to sway and direct the public judgment.

The embodied Whigs of 1830 bided their time, and found it in the memorable contest of 1840.

## VII.

### DEMOCRACY IN FEDERAL LEADING STRINGS.

The Federalists, as a party, have been charged with leaning to a too strong organization of the Executive.

In regard to many Federalists that charge is untrue. In regard to the grudge-bearing Federalists it is almost universally true. These men in old time affected fears of the permanency of our system from the predominance of popular power; in other phrase, from the power of the Legislature. They were, according to our scale of things, friends of Prerogative as against Privilege: were our Tories; adverse to our Whigs.



Their long, compelled abstinence from share in Government affairs whetted the edge of these opinions in dislike of Legislative Supremacy : the more so, as the Legislature, for a long period, was under the control of their opponents.

When General Jackson raised that long embargo which had been laid upon their hopes, and opened the gates to their admission, they rushed tumultuously into his antechamber ; filled his closet, eager and starving men, with hearts in nowise softened by the weary training of their adversity ; with inordinate craving for power and place ; with inveterate purpose to counsel their patron to High Prerogative Doctrine.

I will not say that *all* who came, or were called, to General Jackson in those days, came with these passions or strove to imbue him with these opinions. There were some honorable exceptions : men of conscience, of high order of intellect, of ardent patriotism, of sound Whig views among them. Such men gradually fell off as the imposture of the new era opened upon them. They even expostulated with the Chief, and sought to moderate his excess : fell into personal dissension with him and his more influential advisers. To their discretion, perhaps, we may attribute the self-denial and liberal tone of some of the earlier messages of the administration. Finding the President's policy ungenial, they fell off rapidly. Not one remained to witness the end of his term. The others stayed behind, faithful to their fixed resolve to take all office that could be got, and to flatter the Executive into every dangerous extreme of power which the popularity of the Chief might bear. They were marvellously successful. Their success is a living record of their diligence.

While they fill the mind of the President with pretensions more than monarchical, they amuse the people with promises more than Democratic. Autocracy in substance was varnished over with a transparent wash of Jacobinism in profession. Ready tools were at hand to mould public opinion into whatever shape best suited their views : dexterous and subservient men who were hired for a price. Whatever came from head-

quarters came ostentatiously as from the infallible Democratic oracle. Under these influences, the administration of General Jackson, professing to be ultra Democratic, became imperceptibly, but speedily, almost regal in its power—taking the admiring and too confident country at unware.

Every militant Federalist—by which I mean, especially, those of “The Grudge”—straightway got into office. Scarcely one escaped reward. Their name was Legion. They became popular declaimers on the peculiar virtues of Democracy, and took the stump—the noisiest and most authentic of Democrats : lent their aid to the organization of “The Party :” were leaders of County, District, and Town meetings ; chairman of the Committee ; chief paragraphists ; chief movers of resolutions ; chief contrivers of whatsoever canvass ; and at last—after some useless blushings and awkward displays of coyness—chief denouncers of all opponents of the General as Federalists—Blue Lights—Hartford Conventionists—when the smoke of this *feu de joie* cleared away, the *older* Democrats rubbed their eyes, and found the best offices everywhere in the hands of these *abler* Democrats !

It was a singular sight to behold. Not less singular was it to see how docile, how passive under their new leaders, became the good-natured old Democracy—such at least as wore the Jackson colors : gentle “an it were any sucking dove.”

I think the elder Adams made some such remark as this—at least to this import, for I do not remember his words, and would rather express it in my own : When a Federalist, toward the decline of life, turns Jacobin, for the sake of preferment, we shall have occasion to note two things : First, a more adroit and effective demagogueism than may be developed in any other species of demagogue whatever : Second, we shall find a man who is very soon thereafter to have a high place, both in rank and emolument, as a Democrat ; who will jostle many honest and simple Democrats out of the way ; and who will afford the best conceivable specimen of that natural character

which is made up by the meeting of both ends—an aristocratic Locofoco. This last clause Mr. Adams would undoubtedly have added, if Locofocoism had been invented in his day. But at that time Lucifer had not got so up in the world—had not made such matches.

By such teachers and teachings, General Jackson—a most apt and willing scholar—became, of all Presidents, the most distinguished as a High Prerogative President: of all Presidents, the only one who had systematically endeavored to invade and humble the Legislative department of the Government.

Is it to be marvelled that when his administration became so imperial in its doctrine; when the great multitude of his supporters fell into such blind toleration of him and his pretended Executive rights; when such trenchant blows were dealt at the old Representative Legislative Privilege—the Privilege of the People; when the Journal of the Senate was blotted at his bidding, and proceedings expunged from the record, by an act scarcely less arbitrary than that of James of England, who tore away the offensive leaf from the Journal of the Commons with his own hand; when the odious Veto was conjured up from its dead sleep, or, from an exanimate body, was made a living, mischievous thing; when numbers of the people had sunk into such pliant partisans as to strike against their own rights; when, with all our present experience, such wretched cant could be preached and endured, as that the Veto was an invaluable Conservative Principle to save the people against themselves, against their own folly and incapacity, to save them by interposing the will and command of a chief against their, the people's own will and command, as matured and uttered through their own chosen organs, their Representative: Is it to be marvelled, when such things were witnessed, such things heard and vindicated on the public rostrum, in the Senate House, read in the Press, and applauded for political wisdom by supple Legislators and congregated hosts of obsequious worshippers—that the sturdy old Whig spirit of 1776 should

again kindle its fire on every hill and in every valley where a friend of freedom had ever pitched his tent?

Grievously has the nation expiated the idolatry which persuaded them to endure these innovations upon the principles in which our Republican government was established: is even yet expiating it. What tribulation and disaster have fallen to our lot?—With God's bounty thrown lavish over our land; with all needful resource of happiness and strength; with brave, strong men fit for all service; with an upright and intelligent yeomanry—such, as a better have never been bred on any soil—what has been our doom? Let any man calmly tell it over. Poverty, debt, bankruptcy, official default, faction, discouragement in all kind of labor, obstruction of the channels of industry, suspected faith, repudiation—Dorrism—what evil in the magazine of evils is left behind? All this in the bosom of a frugal, honest, thrifty Christian country!—fatal mischance of unwise government!

Truly has that looked-for day of evil retribution come, when “the Democracy” have been coupled like hounds and the leash held in Federal hands!—day long prayed for, now enjoyed by many.

## VIII.

### DOUBTFULNESS OF THE WHIG PRINCIPLES.

It was a poor device of the enemy to complain, in 1840, that the Whigs were a party without principles. Their principles are written in that long history of which I have made but a brief abstract. Every man in this nation, who had given his mind to public affairs, was aware that the Whig party was re-organized in 1830, as in 1776 it was organized, to resist Executive encroachment. All men have not fully weighed the import of those public transactions to which I have alluded, and taken them to heart as the American heritors of Anglo-Saxon liberty should:—else there would have been a universal flocking of all true Republicans to the Whig standard. No candid and sincere lover of rational, republican liberty, I affirm, can

contemplate the encroachments of Executive power, which we have witnessed in the last twelve years, without a resolute revolt in his heart against that whole system of political domination by which these encroachments have been compassed. That there was not such universal revolt may be set down to the artful engendering and skilful control of faction whereby men's passions have mastered their judgments.

It was a shrewd device of the enemy, in 1840, to strive to compel the Whigs to put the issue of that conflict upon this or that single measure of legislation : to drive them off the broad platform of the great fundamental Whig doctrine—the assertion of the Representative Privilege against the Executive Prerogative—and crowd them upon the narrow stage of one question of the day—a Bank.

The Whig party were embodied with two grand aims.

The first, and immeasurably the greatest, was that which we have presented, namely, the reassertion of the fundamental doctrine of the Revolution of 1776 ; the protection of this nation and its posterity against the imperious claims and mischievous precedents made and established by General Jackson and his partisans, to the enlargement of Executive and the diminution of Legislative power.

To this end, the Whigs contended,

For the single Presidential term :

For the Reduction of Patronage :

For the Separation of the Purse and Sword :

For the rigid supervision of all Executive officers by Congress :

For free Legislative debate and Legislative comment on the conduct of all public officers :

For the non-interference of Government officers in the elections ; and

For the modifications of the Veto Power.

These were all pervading, paramount questions. The Whigs of the Union were united upon them to a man. They had battled for them, in and out of Congress, ever since 1830. The whole



nation understood how these questions were identified with the Whig party. No man wanted a manifesto in 1840 to apprise him that these were fundamental, essential and absorbing questions in the Whig movement. They had been proclaimed through every organ of Whig sentiment, in every form of iteration, for ten years. In importance, they were infinitely above every question of mere policy. They were organic, belonging to the structure of the government. They concerned our posterity as well as the present generation. They belonged to the perpetuation of free Republican government, and the handing down of our institutions to our children as we received them from our fathers. The second aim of the Whig embodiment was to relieve the country from the evils of bad legislation with which it had been afflicted by the party in power.

This was a purpose involving ordinary measures of legislation : a purpose of policy, of expediency, depending, in great degree, upon the incidents and occasions of the day ; and subject to be influenced in some degree by local and temporary views.

In this field, although a great and surprising approach to unanimity prevailed among the Whig party,—considering the impressions of sectional interest natural to so broad a surface as that covered by the States of the Union—yet entire consent of opinion, in reference to all measures of relief, never was expected. Nor was it asserted to exist. The leading measures proposed and advocated were,

A Protective Tariff,

Distribution of the proceeds of the Public Lands,

Improvement of the face of the Country by roads and Canals,

Regulation of the Currency through a National Bank—and  
Reduction of the Public Expenses.

On these measures, it may be affirmed, nine-tenths of the Whig party were unanimous. In regard to some of them, a small number, it is true, were found dissenting.

It is well known that the prejudices of Southern opinion upon the Tariff question, which equally prevailed among the

Whigs and their opponents, had enlisted a portion of the Southern Whigs against the Protective System, and, as connected with it, the question of the Distribution.

A still smaller division of the Whigs have opposed a National Bank.

It may be a question for metaphysicians to divert themselves with,—to what extent are these small dissenting fragments of the Whig party entitled to be called Whigs—but it will never be one of doubt, while those fragments concur in the great and primary object of Whig organization, that their attachment to the Whig party is worthy of the praise of an exalted patriotism,—the more exalted as it consents to waive and forego its wishes in regard to the comparatively minor questions of policy, for the sake of the graver and more enduring principles of free government which it finds in jeopardy.

These divisions of opinion among the Whigs were never secret, nor destined to be made secret. There can be no better proof of the integrity of a party than such tokens of its independence as are afforded by the frank and open avowal of dissent where unanimity does not exist. Such dissent presents no other question than this—Is the dissenting point of sufficient preponderance to outweigh other motives to concur? If not, the concurrence may be sincere and effective.—It has been so in the contest ever since 1830. All through that contest the Whigs have had occasion to feel that, in the brotherhood of their Southern friends, they have derived all the aid and comfort to their cause which a generous gallantry and the purest love of country could bestow.

Could it be said that the Whig party had no principles because it did not choose to cast the issue of its great contest upon these minor questions, wherein some dissent existed, rather than upon those broad doctrines where all were united? Was it not, as I have said, an ingenious stratagem of the enemy, when he sought to drive us into the narrow fold of these questions of expediency, while we stood already behind the bulwarks of high political rights? Should we not have

been laughed at as shallow simpletons if we had crept into such a gull trap?

As we did not choose to hearken for advice to the enemy and make him the issue he desired, does not every one remember how assiduously he set about making it for us? Was there a forum in 1840, a bar-room, a cart tail, a stump rostrum,—was there a conventicle of quidnuncs, a street meeting, or a country gathering of our opponents in the whole canvass—nay, was there any such in any previous time of the ten years before, that the burden of the charge against the Whigs was not that their great purpose was to establish a Bank, make a protective Tariff and distribute the proceeds of the lands? Such universal consent of opinion as to the Whig designs, surely furnished no excuse to those who made the accusation, that we had left them in the dark as to our principles or measures.

For our principles and measures we gave them an open history of ten years' active labor. In that history, written on every page of our public journals and proclaimed in the trumpet notes of the most eloquent men of the land, they might read and did read, better than in any manifesto, what we aimed at and what we meant to fight for. It is the sheer hypocrisy of your scurvy politician to affect not to see what was so easy to be seen:—so much intended and contrived to be seen. And miserable cant was it, in that day of 1840, to complain that the Whig army came into the field bannerless and objectless, or having no written motto on their banner and no avowed object in their war.

Our principles then, as now, were known at every fireside in the Union.

Is it necessary we should make Proclamation now, of what we fight for in Forty-Four?

Does any man want to know what the Whigs are aiming at?—

In earnest?

I opine not.

## IX.

## THE CONSERVATIVE ELEMENT.

The Veto Power has grown, in the last twelve years, to be a most formidable and overtopping branch of the Presidential Prerogative. It is, in the late practice of the Executive, dangerously disproportioned to the other powers of the Constitution. It is what the authors of our Government never designed it should be: what indeed they fought against and would not tolerate in the British Crown while we were yet colonies. The oppressive exercise of the Veto, as I have heretofore said, was a chief cause of the Revolution. In the latitude claimed for it it is unrepugnant, and especially offensive to the scheme of free Government as understood and maintained by the Whigs. The modification of this power has consequently become a distinguished purpose in the Whig action.

It is true it was not unadvisedly introduced into our Constitution. There was reflection and debate upon it.

Our fathers of the Revolution were not altogether disenthralled from the formulas of the Old World. The marvel is that they were even so free from them. The Veto, copied from the British Constitution, was found in all the Colonial Settlements, as a power reserved to the Crown. The men of the Revolution thought they were making great advances when they were erecting an analogous free government in Independent America, building it upon a democratic basis and retaining as much of the English form as they held to be compatible with that basis. The English Veto had not been exercised for a hundred years. What had they to fear in trusting it to a Republican President?—Still, there were many sturdy and wise Republicans who feared.

Let us see what we can gather from the scant record of the debate on this topic:

It seems Dr. Franklin was opposed to the power altogether. So was George Mason: so Roger Sherman, Pierce Butler and

Gunning Bedford. James Wilson and Alexander Hamilton were in favor of an absolute Veto. Elbridge Gerry and James Madison were for the Veto with a qualification—subject to be overruled by a vote of two-thirds of each House.

Colonel Hamilton thought “there was no danger of such a power being too much exercised.” He said “the King of England had not exerted his negative since the Revolution”—(1688).

“Mr. Sherman was against enabling any one man to stop the will of the whole. No one man could be found so far above all the rest in wisdom.”

“Mr. Madison supposed that if a proper proportion of each branch should be required to overrule the objections of the Executive it would answer the same purpose as an absolute negative. It would rarely, if ever, happen that the Executive, constituted as ours is proposed to be, would have firmness enough to resist the Legislature unless backed by a certain part of the body itself. The King of Great Britain, with all his splendid attributes, would not be able to withstand the unanimous and eager wishes of both Houses of Parliament. To give such a prerogative would certainly be obnoxious to the temper of this Country—its present temper at least.”

These are from Mr. Madison’s notes. They are meagre enough.

Hamilton was an advocate of high Prerogative. He professed to fear the Legislature, and charged it with a tendency to encroach upon the Executive. Now hear him, speaking of the Veto, in that number of *The Federalist* which is given to this subject. “The superior weight and influence of a legislative body in a free government, and the hazard of the Executive in a trial of strength with that body, afford a satisfactory security that the negative *would generally be employed with great caution*; and that in its exercise there would oftener be room for a charge of timidity than rashness.”

“If a magistrate so powerful and so well fortified as a



British monarch would have scruples about the exercise of the power under consideration, *how much greater caution* may be reasonably expected in a President of the United States clothed for the short period of four years with the Executive authority of a Government wholly and purely Republican!"

"It is evident there would be greater danger of his not using his power when necessary, than of his using it too often or too much."

These were the early views of the Veto Power. Is it not obvious that these original defenders of the power had but an inadequate perception of the uses to which the Veto has come latterly to be applied? The Revolutionary Presidents—the men who were contemporary with the beginning of this Government,—understood and used the power as it was intended—sparingly and with abundance of caution. How have our latter day Presidents used it? Not sparingly and with caution, as an extraordinary power: but most frequently, and a familiar and ordinary power. It has been, of late, often applied to bills which were passed upon most mature deliberation: it has been applied to bills which presented no questions of doubtful constitutionality, which threatened no invasion of Executive rights: it has been made a mere instrument of Party Domination: "the extreme medicine" of the Constitution—to use Mr. Buchanan's phrase—has come to be its daily bread.

I dwell on these matters because the Whig party have been slow to quarrel with the qualified negative of the President. They would not now quarrel with it, if it had been exercised in conformity with the original design of its adoption.

In theory it was justified as a rare remedy against a rare evil. It was supposed that an occasion might sometimes arise in which a bill improvidently, and too hastily, passed might require revision; that new facts might come to light, or be known to the President, which were not known to the Legislature while the bill was under consideration; that perchance, even, in the unruliness of some legislative orgasm the manifest rights of the Executive might be assailed; these and such cases as these, it

was conceived, might present and justify a necessity in the President's sending the bill back for reconsideration by a vote of two thirds. Absolute veto was, in nowise, to be endured. The abuse of this rarely-to-be-exerted power, it was believed, was sufficiently guarded against by the right of impeachment.

Short-sighted views were these, as all men must confess who contemplate what the Veto has grown to be in the late practice of the Executive.

To judge what it has grown to be in practice, we ask attention to two topics :

First, That this Government has become practically and inevitably a government of political party Ascendency.

By some law of political gravitation, as yet unexplored, parties invariably settle into an approximate equilibrium ; so near to an actual equilibrium as to leave but small preponderance on either side of the scale. Such a thing as a fixed, durable majority of two thirds of a House of Representatives and Senate, on any party question, may be deemed so improbable as to be cast out of the computation of expected events. Very far short of this is the average majority of any House of Representatives and Senate of our time.

I know no instance of it, except that of the Land Bill and of the Specie Circular,—and these, we know, were not, at the time of their passage, party questions, although they grew to be so afterward. Two thirds of both Houses, I may say therefore, in no case of party difference may be expected to concur. Which being true, the Veto of the President under our Constitution, is, on all such questions, in effect, an Absolute Veto. No submission is it of such measure for reconsideration. It is the ordering back of such measure to an idle ceremony of rejection—the same being virtually dead before such idle ceremony is practised.

Second, That the inducements and instigations to the exhibition of this Executive Prerogative will be, nine cases out of ten, mere party inducements and instigations. A President and his party having fallen into a minority in Congress, pre-

sent the chief category in which the Veto will be exercised. So long, therefore, as the party of the President amounts to more than one third of each House, he and they can use the Veto to carry their measures, or prevent the majority from having what they desire. This is the ordinary case, indeed the only contingency in which the Veto has been used since 1830,—except the case of the Land Bill, and of the Repeal of the Specie Circular.

Now as it requires two thirds of the Senate to maintain an impeachment, or, in other words, as one Senator, above one third of that body, can prevent a successful impeachment, it is quite evident that whatsoever a minority in Congress, scantily numbering more than one third of each House, may counsel in regard to the exercise of the Veto, that they may save the President harmless in doing if impeachment should follow his offence. From all which it follows that, in the cases proposed, the Veto is practically *absolute*, and altogether unchecked by any power of impeachment.

If there be two hundred members in the House, standing one hundred and ten on one side of a question, and ninety on the other,—nay, if they stand any thing less than one hundred and thirty-three on the majority side, or any thing more than sixty-six on the minority side, then the Veto on the bill, the subject matter of debate, is absolute. Reconsideration, in such case, is a barren form: the Minority rules the Majority by mere frustration—by faction; and the will of the people, in this a professing popular, Republican government, is restrained and forbidden by a faction having the President at its head. And for this abuse impeachment is but an empty threat.

The President at the head of a faction, in so far as the Veto is concerned, in so far as legislation is concerned, is king—more of a king than the Monarch of England or of France, since neither of these monarchs dare hazard the Veto where our President makes it his daily staff.

If the Veto be necessary to protect the Executive as some say, against the usurpation of the Legislature, then there is no

good reason why it should not be absolute and not qualified. For if the Executive must needs be protected against the Legislature, there is as good cause to protect it against two-thirds as against one man less than two thirds. If the legislative body be inclined to intrude upon the President, that inclination may be on one side of the House as well as the other, and the argument would be that he should be armed against their combination.

If it be proper that the President should be the power in this Government to arrest all laws he deems unconstitutional—to which I by no means assent, but on the contrary utterly repel—then he should have that power against the whole Congress, and not only against a portion of Congress ; since his wisdom is quite as clear in opposition to one as in opposition to the other. If one hundred and thirty-two, out of the two hundred supposed by us, say a law is constitutional, and the President says nay—then his nay takes effect. If one hundred and thirty-three say so, his nay is nugatory ; the hundred and thirty-three reaffirm and the law stands. If the constitutionality of laws may not rest with the Judiciary, why should it rest with the one hundred and thirty-third man? If it should rest with the President, why should the one hundred and thirty-third man take it away from him?—These are pregnant questions.

So too of his Prerogative—his Executive rights. If there be good reason for the Veto at all to defend these rights, there is no good reason for the qualification. If there be good reason for the qualification, there is none for the Veto.

A right in the President to send a measure, for good cause shown, back to the Legislative body for reconsideration, there is nothing to be said against. It is no more than giving the President an opportunity to make a written speech on the subject of the bill ; to suggest, perhaps, new facts ; throw out new lights ; to remonstrate, it may be ;—at the least, to give the nation his views on matters of moment to the public good. This is but a respectful deference to the station of the Chief Magistrate, salutary, and, for all purposes of defence of his prerog-

ative, of correction of improvident legislation, of announcement of constitutional opinion as effective and remedial as that harsh negative which but provokes unwholesome revolt in the public feeling and leads to discord: more effective and remedial than this harsh negative, because temperate persuasion from the Chief Magistrate is, in all countries, worth more than compulsion on the opinions of the people.

Reconsideration, sought in this way, ought to be ordinary legislative reconsideration; as in all other cases where bills are deliberated upon a second time,—with this addition only, as has been proposed,—That when the President sends the bill back it should require a majority of the whole body—counting absent members and places vacant—to pass it again. The President's should be deemed of sufficient weight to entitle it to stand, unless overruled by a majority of Congress.

So far we may safely go. Farther we may not safely go, as our most modern Congressional history has abundantly shown us.

Manifestly, such arguments as these later times have afforded us, and which I have unfolded here, did not occur to the authors of the Constitution when they discoursed upon the innocence of the Veto. These did not occur, because in those days it was not imagined that the President of the United States would ever degrade his station by uniting with a faction to overthrow a law.

Yet such has experience shown the Veto to be. It has been applied by General Jackson to sundry Internal Improvement bills: it has been applied to the Bank Bill, to the Harbor Bill, the Light House Bill, and to others. Its effect has been anticipated by a Removal of the Deposits, in the face of a resolution of Congress adverse to the removal, and a significant threat to negative any bill for their restoration. It has been superseded and its results produced, in the case of the Land Bill and the Repeal of the famous Specie Circular, by suffering the adjournment to occur without the Presidential signature.

In these cases of the Veto it was not pretended that the



legislation was hasty or indeliberate ;—that new facts had come to the knowledge of the President ; that any encroachment was meditated upon the rights of the Executive. They were naked party questions, the President and his party being in the minority in both Houses. They were not sent back to Congress in any honest hope of a reconsideration. It was known they could have no reconsideration and passage by a majority of two-thirds,—the President's party being more than one-third. They were sent back simply *to be rejected* by the minority ; this being the only mode by which a President and the minority could disappoint the adverse majority in their measures. Not even did this avail to the Land Bill and the Repeal of the Specie Circular. For on these, more than two-thirds had voted affirmatively. If the President had truly desired reconsideration of these, as the Constitution presumes, he could have been gratified. But such reconsideration, he knew, would have resulted in the passage of the bills. By no means wishing this, and the Constitution providing no veto which should be effectual, in such case, to defeat the will of the majority, the President had recourse to a new device to that end, and found it in laying up the bills in his desk until after the adjournment—that adjournment occurring within the ten days allowed him by the Constitution. In the common phrase, he *pocketed* these bills which he could not veto,—and so triumphed again over the Legislature.

These acts, perpetrated by a man of less popularity than General Jackson, might, and most probably would, have led to serious consequences. In his case they led to bonfires, new glorifications, fresh acts of worship, fresh excitements of the obsequious spirit of Vassalship throughout the whole host of men who sometimes call themselves Democrats, and, both since and before this memorable piece of servility, have been accustomed to boast of their Republican virtue and their love of Constitutional Liberty.

Truly, no true Whig was found among these glorifiers ! It would have crimsoned his honest brow and shamed his honest

heart if, on any accidental impulse, he could have been seen congregating with others around a bonfire kindled to illustrate the glory of any man who had thus desecrated the principles of 1776.

Rather would such flagrant usurpation call back to his memory the sacred resistance of his ancestors, and admonish him to hasten into the ranks of the friends of free government which were drawing into array everywhere within the circumference of the Union.

It is now found out by those who dare not censure aught that Andrew Jackson has ever done, that this perversion of a power which the Constitution, though granting it in the letter, never designed to grant in the spirit in which it has been practiced, is a great Conservative Element in Free Government.

An intrepid piece of flattery, this!

To guard Republican institutions we must create a Party Despot! To *conserve* Democracy we must arm a self-willed Autocrat with power to silence the only democratic portion of the Government,—the Legislative Power! To show that the people are capable of self-government, we provide them a master who shall say—"This I consent you may do:—that, I do not consent!" To show what wisdom there is in popular suffrage, we disallow its organs to speak, unless they have first found out what is palatable to the Chief!

Verily, as we have said before, "the Democracy" have been coupled like hounds, and the leash is held in the hands of a master!

A Conservative Element! The Veto leaves the law as it was before, say the flatterers of him who so magisterially used the power. It only prevents change. It *conserves* the old order of things.

Truly! Is it so? If the yearly appropriation bill is vetoed, what is *conserved*? The old order of things? No. The objects to be preserved by the appropriation perish. The navy crumbles. The army is disbanded. The fortifications fall down. The Courts are closed.

A law abolishing a War establishment is Vetoed. In such case, what is conserved? An army that, perchance, may be ready and willing to help that same Veto to a little more vitality.

A Tariff law expires by limitation, as happened in 1842 : the bill to revive it is negatived. What does Conservative Element in this strait? Leaves Industry to perish ; leaves Revenue in decay ; leaves Debt to grow apace ; leaves Commerce, leaves Agriculture, leaves Manufactures in ruins. A rare Conservative Element ! How long shall charlatans and hypocrites abuse the generous ear and confiding heart of our America !

This same Veto power, I affirm, has grown to be a great nuisance. To it, we may trace, distinctly enough, some very conspicuous griefs. To the Veto of the Bank, that revelry of State banking which made the promises of paper money thick " as notes in the sunbeam"—" false as dicers' oaths : " to the frustration of the Land Bill by laying it by, and by the Veto of it afterward, we trace the surplus revenue, the distribution of that surplus, the gorging of all the channels of trade with plethora of speculation, the universal downfall of credit.

Somewhat significant these mischiefs on this country of ours !—especially being come of such parentage as that Conservative Element, which certain politicians of these days laud so much.

This Veto has arisen from one man's Egotism. I hold no man's Egotism to be Conservative in this Government. In the name of rational, Republican Liberty, let us have done with all Egotism of Presidents !

The One Man Power has crept forth a bastard changeling from the cradle of the Constitution. Scotch it as a snake.

How naturally party madness sanctifies error ! This same Veto, being a fiery whip to chastise the Democracy, has grown to be a symbol and a badgè of fealty with that same now craven, crest-fallen,—once proud and indomitable Democracy. No P. P. " clerk of this Parish," accustomed to swell his puny dimensions in presence of his choristers,—being, by some

freak of fortune lifted up into a fussy, frothy Mayor of a Corporation,—but must play off upon his Board of Aldermen *his* little Veto, aping the Great Veto, and must show up the Conservative Element of his yeasty wisdom, as more orthodox and Dogberryish, more “sensible and desertless,” than the United Wisdom of their Worships in conclave. “This Pump at the corner shall *not* have a new sucker. By virtue of Conservative Element I forbid it. Let the said Pump henceforth be conserved suckerless !”

Hero of New Orleans, into what dismal depth of sublime inanity hast thou not plunged us ! Our Pump at the corner, out of thy Egotism, goes without a sucker !—Our Mayor, tickled by the fancy of thy Prerogative, will not sign the Bill. Amazing Mayor, how cunningly hast thou made the cup of thy popularity to overflow !

Have the Councils the courage to take this matter in hand, and save us our Pump and Charter ? By no means, if they be of the true stripe. Your good Democrat of these days bows to Conservative Element. He affirms that Dogberry was set up to save the people against themselves. A pill to prevent surfeit of Freedom.

While such whimsies are in the brains of the Democracy, the reform will cost us a struggle. But we will have it.

## X.

### CONTEST OF 1840.

Whatever may be said about the contest of 1840, no one believes that it was not conducted by the Whigs upon the advocacy of great principles, interesting both to the organization and policy of this Government. That man has great hardihood in his contempt for the sentiment of the people, and great contempt for the people themselves who, after the experiences of 1840, affirms that the multitudes of American citizens, whose votes made that famous majority of 1840, were stirred up to this great impulse by no estimate of patriotic duty, but only by the noise and pageantry of music and processions. Republican

government has a slender guarantee in the minds of the men who think and affirm thus. Popular wisdom is a paltry matter in their reckoning! There are men in this Republic and always have been men in it, who are accustomed so to deride the manifested opinion of the majority—to deride it whenever manifested against their own computations of personal or party advantage: but these men are, by no means, Democrats in truth, whatever they may be in profession: by no means friends of free Representative Government. They condemn the people and abhor the people's impulses. Yet this was the case of most of the party leaders of that party which was defeated in 1840; was the case with many clamorous followers of those leaders. Herein we may see some very visible workings of the leaven which leavened the administration of General Jackson. These reproofs against a majority, and revilings of popular judgment, are but the out-bubbling of that peccant matter wherewith the dominant party of 1828 was inoculated, and with which the remnant of that party is still diseased.

In the selection of the candidates of 1840 the Whig party have found a great calamity and a great disappointment. A calamity in the death of him they chose for President; a disappointment in him they made Vice-President.

I will not say how these disasters came upon us or how they might have been avoided. It is puerile to complain when the event is without remedy.

It is a difficult thing in a popular government, the very life of which consists in free thought and many opinions, to give to a great citizen,—one who is great for his ability, for his integrity, and great for his useful service—the prominence and support to which he is entitled. A long life of public duty makes friends; it also makes enemies, and men sometimes grow too prominent by their merits. In such cases it is apt to occur that the asperity of opponents becomes unduly sharpened against the man highest in the applause of his friends; and that asperity turns busily to the labor of detraction so as greatly to influence public feeling against him.



This was the estimate which many made, when the question of our candidates for 1840 was in agitation, to the disadvantage of the man whom nine Whigs out of ten desired to see set up for the Presidency. We had a man in those days whose name alone was a proclamation of the whole Whig creed. It is useless to ask why the Convention at Harrisburg did not nominate him. Whether there was an evil eye resting on his greatness ; whether some men feared the too great embitterment of the adversary party against him ; whether a candidate of more bland and conciliatory popularity were safest in the emergency, are topics I am not called on to discuss :—it is enough, that for reasons, good or bad, he was passed by. Many judicious men, multitudes of warm-hearted Whigs, regretted it. One man, it is said, in the Convention, *shed tears* over it.

General William Henry Harrison was selected. A great and venerable name ! If disappointment could find compensation in any alternative, here it was entitled to expect it. The mild virtue and stainless life of the chief ; the grateful service of youth, manhood, prime and old age, in camp and council, lavished for his country ; the benevolence and genial charity of his temper ; his open hand and open heart ; his honest and eager love of his native land ; his prodigal and even thriftless affection for humanity—all these made up a sum of compensation which speedily wiped away all disappointment and subdued all regret. None so forward to allay this regret as that man upon whom all early expectation rested : he was the first to express his content in the nomination, and to pledge his faith to the contest.

And so it fell out that General Harrison was made the Whig candidate of 1840, for the Presidency.

Why John Tyler was made the candidate for the Vice-Presidency,—let those answer who did it !

So far as they were acquainted with him, they have a heavy reckoning to make to the country. So far as total ignorance of the true character of the man, of his capacity, of his faith,

temper, affections, of his political or personal opinions, of any thing genuine belonging to him—so far as ignorance of all these may excuse the Whig party in giving him their confidence, they may be excused:—no farther. I acknowledge, for my own part, a grievous delinquency.

I suppose it may be said, with entire truth, in respect to the mass of the Whigs, that, for the most part, they knew very little of Mr. Tyler and his opinions;—that they cared less,—never contemplating the event of his succession: that, as he professed to be the friend of their friend, Mr. Clay;—was anxious for his nomination,—they had no doubt that he was a Whig, and would do the duty of a Whig whatever might betide: that as he had been on the Whig ticket for the Vice-Presidency once before, and came to Harrisburg as a member of the Whig Convention, he thereby proclaimed himself to be a Whig, and could, without dishonor, be nothing else: especially that he could not be a secret enemy to the Whigs and harbor an undivulged purpose in his mind to betray them, if ever they should trust him.

I have no better account to give of this selection, deplorable, disastrous, as it has been. Would to God that all record of it might be forever effaced from our annals!

The battle of 1840 was fought and won. The Whig party came into power high in hopes, frank in promise, deeply in earnest to do every thing for the renovation of the decayed prosperity of the country.

The defeated party, in retiring from power, did every thing they could to embarrass their successors. They had drained the Treasury; they had created a debt;—they left large amounts due in various branches of service without provision. They had exhausted all reserved funds of government. They saw the duties on the lowest verge of the Compromise of 1833, and made no effort to supply the deficiency this was certain to produce. They had issued large amounts of paper money to be redeemed during the year,—these issues being, in fact, but the renewal of old debts—and they had created no fund for their

redemption. Trade was in decay, industry was overthrown, credit was gone. "It seemed"—as an eloquent member of the House of Representatives said—"matters having become so inextricably bad, as if the party had got itself beaten *on purpose*."

Upon this wreck of affairs the Whigs had to begin their great labor.

General Harrison summoned around him a cabinet distinguished for its ability, distinguished for its possession of the confidence of the Whig party. The Executive, thus organized, called to their aid the Legislature, who were ordered to convene at the earliest moment.

One month after the installation, the Whigs were struck mute by the death of the President : event all unlooked for, unprovided against ; sorrowful on many accounts, but most calamitous for its first and greatest consequence—the exaltation of him whom the accidents of the Harrisburg Convention had brought upon the ticket for the Vice-Presidency.

In the universal outbreak of the national grief every one seemed to wake up suddenly to the inquiry, Who and what is John Tyler ?

He made speedy answer for himself. "You have but exchanged one Whig for another." These words were among his first utterances at Washington :—even at the funeral of Harrison.

The only point upon which any anxiety for Mr. Tyler's Whig principles was supposed to have a foundation, was upon the question of the Bank. In the Senate of the United States he had made a mitigated opposition to the Bank : an opposition consisting of one part scruple and three parts praise. He had spoken there in terms of warm *commendation* of the Bank, and especially of the beneficence of its *exchanges*. "I should as soon complain of the ocean for furnishing facilities of intercommunication between distant nations, as to complain of any other agent employed in furnishing similar facilities to the exchanges of the country."—A strong figure ! Then again—"If

the Constitution authorized its creation, no man, with the experience of the past, could well doubt the propriety of a well-regulated and well-guarded bank.

These were opinions spoken in the Senate in 1834. The public were reminded of them in this juncture, when men were so anxious to know what would be the course of Mr. Tyler on this Whig question.

In the midst of this anxious concern, the Vice-President,—now having come to the head of the Government,—put forth an address to the people. It is very significant in reference to the prevailing doubts. “The public interest demands that if any war has existed between the Government and the Currency it shall cease.” “I shall promptly give my sanction to any constitutional measure which, originating in Congress, shall have for its object the restoration of a sound circulating medium, so essentially necessary to give confidence in all the transactions of life, to secure to industry its just and adequate rewards, and to re-establish the public prosperity. In deciding upon the adaptation of any such measure to the end proposed, as well as its conformity to the Constitution, I shall resort to the fathers of the Great Republican School for advice and instruction, to be drawn from their sage views of our system of Government and the light of their ever-glorious example.”

He had said, in private, to several friends, that his opinion on the constitutionality of a Bank had undergone a change. Indeed, we may infer as much as this from a letter written by him to the Henrico Committee, during the Canvass of 1840.

“There is not in the Constitution any *express* grant of power for such purpose, and it could never be constitutional to exercise that power *save in the event* the powers granted to Congress could not be carried into effect without resorting to such an institution.” He had before admitted what we have quoted from his speech in 1834—“no man, with the experience of the past, could well doubt *the propriety* of a well-regulated and well-guarded bank.” It is obvious that in 1840, with these

opinions, he was *very near* his conversion to a Bank:—three parts out of four, he was for it certainly.

But what did he mean by referring, in his Inaugural Address, to “the Ever-Glorious Example” of the Fathers of the Republican School?—Mr. Madison was conspicuous among these fathers; was one of the chief authors of the Constitution; was ever its strongest champion; had, for a long time, opposed a bank as unconstitutional; had become convinced, by the experience of a deranged currency, that a bank was “a necessary and proper” instrument toward the accomplishment of the powers conferred by the Constitution; acknowledged the constitutionality to be a question definitively settled by precedent; upon these convictions had renounced his old objections, and signed a bill for establishing such an institution.

What did Mr. Tyler mean by referring to this example? Was it not very pregnant of meaning? He had already declared that he thought the Bank *useful*: he had even affirmed that, with our past experience, no one could doubt “the propriety” of a well-regulated bank. He had thus arrived at the conclusion that it was “proper” at least. His only constitutional doubt rested on “the necessity.” He told the Henrico Committee that the power to create a bank not being “express” in the Constitution, “it could never be constitutional to exercise that power, *save in the event*,” etc.—Then, it is clear he *could* conceive a case in which it *might* be constitutional.—Add to these the expressions contained in the Inaugural Address, and it is quite apparent that the mind of Mr. Tyler was *in a state of transition* at least, on this topic. Nay, that he had absolutely *changed*, as he told several. By way of breaking this change to the public and of preparing old acquaintances against surprise at his advocating a Bank, he made this reference to “the Ever-Glorious Example.” If he did not design it to give countenance to his change, why did he allude to that example at all? If he could, by no means, agree to sign a bank bill, why did he not then say so? The whole Whig press throughout the Union, after that Inaugural Address, proclaimed him as



“safe” upon the Bank question ; the Madisonian, the Herald—his peculiar organs—so proclaimed him. Why did he not deny it, and say he was misapprehended ?

This was the only Whig question upon which any concern was felt in regard to Mr. Tyler’s opinions. Upon every thing else his most intimate and confidential friends vouched for him to the world. Mr. Cushing, who may speak in this relation for Mr Tyler, said, in a letter at the close of the Extra Session, that “of thirty-one Whig measures” the President disapproved of but one. “In respect to all but one of these measures”—these are his words—“there was *perfect concord* of action on the part of the two Houses of Congress and the President. Concerning one of them, he and they differed.”

Indeed, in regard to the strong, characteristic doctrines and measures of the Whig party, Mr. Tyler may be said to have been lavish of profession.

As to “the single term” of the Presidency, he had written a letter and drunk a toast in which we may find even a savor of self-glorification at being *the first* to denounce the evil of a second term, on the score of the danger of allowing the incumbent of the Presidency to employ his power and patronage to secure an election.—No one was more zealous for the distribution of the proceeds of the public lands than Mr. Tyler. No one more kindly disposed to protect the industry of the country.

Then, as to the honest and moderate use of the Executive Patronage—who had ever gone farther ? He even professed to desire that Congress should impose restraints on the power of removal by the President. Mark the wise humility and virtuous self-denial breathed, on this point, in the Inaugural. “The unrestrained power exerted by a selfishly ambitious man, in order either to perpetuate his authority or to hand it over to some favorite as his successor, may lead to the employment of all the means within his control to accomplish his object. The right to remove from office, while subjected to no just restraint, is inevitably destined to produce a spirit of crouch-

ing servility with the official corps which, in order to uphold the hand that feeds them, would lead to direct and active interference in the elections both State and Federal, thereby subjecting the course of State Legislation to the dictation of the Chief Executive officer, and making the will of that officer absolute and supreme. I will, at a proper time, invoke the action of Congress upon this subject."

Then again—

"I will remove no incumbent from office who has faithfully and honestly acquitted himself of the duties of his office, except in such cases where such officer has been guilty of active partisanship, or by secret means, the less manly and therefore the more objectionable, has given his official influence to the purposes of party, thereby bringing the patronage of the Government into conflict with the freedom of elections.—Freedom of opinion will be tolerated, the full enjoyment of the right of suffrage will be maintained as the birthright of every American citizen."

Breathing such sentiments as these, so full of amiability and assentation—so yielding in old opinions, so complaisant in all Whig doctrine, so humble, so gracious and so wreathed in smiles, came John Tyler to the accidental fortune of the Presidency of the United States. It has been charged against the Whigs that they have not redeemed their promises to the country. Why have they not redeemed them?

That remains to be told.

## PART II.

THE WHIG PARTY: ITS DISAPPOINTMENT, ITS RETRIBUTION,  
ITS HOPES.

## I.

THE EXTRA SESSION.—A BANK BILL.—A SCRUPLE AND A COM-  
PROMISE.

WITH a bright sun breaking above the gloom of Harrison's death, and gilding the hopes of all who expected happier days through the efficacy of a Whig Legislature, Congress met, on the last day of May, 1841, in Extra Session.

Mr. Tyler was, apparently, in the best mood to gratify the anticipations of that great party who had raised him to what he was, and who were sincerely disposed to be his friends.

Never was there a man brought into an exalted station with so little effort on his part, or with an easier fortune before him. His course lay over a summer sea, with favoring winds to fill his sails: a prosperous voyage was before him, pleasure on its track and fame at the end—had he but the wit to see it.

His message was auspicious: it was full of promise.—The Currency, he proposed to regulate by a "Fiscal Agent."—"Upon such an agent depends, in an eminent degree, the establishment of a currency of uniform value."—So far, well. This fiscal agent must not be a Sub-Treasury: it must not be constituted of State Banks: both of these have met "unqualified condemnation" from the people. And as to a National Bank—even although one had been chartered by a vote of both Houses, this, "a regard to truth" requires me to say "has also been condemned by the popular voice." What in such case

is it best to do? "To you, then, who have come more directly from the body of our common constituents, I submit the entire question, *as best qualified to give a full exposition of their wishes and opinions*. I shall be ready to concur with you in the adoption of such system as you may propose, reserving to myself the ultimate power of rejecting any measure which may, in my view of it, conflict with the Constitution, or otherwise jeopard the prosperity of the country—a power which I could not part with, even if I would : but *which I will not believe any act of yours will call into requisition*."

Mr. Tyler when he wrote this, knew that a Bank would be one of the most prominent topics in the deliberations of the Whigs at that session :—as far as he had control over the subject, intended it should be so : recommended deliberation on that point.

Was it designed that we should gather from these expressions of the Message that he would agree to *no* Bank?—or rather on the other hand, a hope and belief that such a Bank would be agreed to, as would not "call into requisition" his Veto?—

Then came a hint or foreshadowing, of some significance in the interpretation of his wishes. It regards the Distribution of the proceeds of the Public Lands :—"Whether such distribution should be made, *directly* to the States, in the proceeds of the sales, or *in the form of profits by virtue of the operations of any Fiscal Agency, having these proceeds as its basis, should such measure be contemplated by Congress, would well deserve its consideration*."

What did he propose should be understood by this hypothetical intimation?—Clearly, I understand it as no less than a suggestion of the possibility—the probability—of its being found most expedient to constitute a Bank in such manner as to incorporate into the capital "the proceeds of the sales"—which suggestion, in fact, was afterward made by the Secretary of the Treasury and advised by him.

Could we infer that Mr. Tyler would veto a Bank on such

a basis?—If not, then we may conclude he deemed such a Bank not unconstitutional. If such not unconstitutional, might not one also be constituted without “the proceeds,” which would be held equally free of objection?—It is very evident he was not, at this time, against *every kind* of a National Bank.

It would seem as if the Presidential mind had already gone through its transition, and now rested upon “The Ever-Glorious Example.”

But the President, in truth, had a scheme of his own. He was not only *friendly to a Bank*, but somewhat covetous of the renown of being the author and founder of one. We have evidence that he had several schemes. He had been studying the matter. What the Abbé Sièyes was said to be in the article of Constitutions, at the first dawning of the French Revolution, we have reason to suspect Mr. Tyler was, in the article of Banks—that is, a projector in this line, with pigeon holes full of them, ready made.—With more or less certainty, we trace to him conceptions of *three* different kinds: First, a Bank after the old fashion, as regards faculties, with a somewhat whimsical abstraction concerning the assent of States: Second, a Bank stripped of power of discount and limited to exchange; and Third, a Bank of indefinite character founded on the Proceeds of the Sales of the Public Lands.

But very distinctly do we find him, first and in preference to all other plans, friendly to a Bank with every Money power that any Bank of the United States ever possessed: as potent as any for the peculiar mischief ascribed by politicians to “The Monster;” and varying from the old models mainly in the practically insignificant feature of the location of Branches with the consent only of the States in which they were placed;—a feature which Mr. Webster describes as a “merely theoretic difficulty attended with no practical disadvantages.”

Very distinctly do we find proof of this, as I propose to show.

I have hinted before, that the President had two special organs of his opinions. One was the avowed official paper



of the Administration,—the *Madisonian*. This paper was conducted by an obsequious friend: it was supported, in great part, by government favor: the editorial matter was altogether responsive to the President's suggestions; was even inspected and revised before publication, whenever it was thought necessary, by the President or some of his family.

The other was a less official but not a less genuine organ. It was, moreover, personal to the President—having little to say *for* his cabinet—much often to say *against* them: a back-stair confidant, and therefore much more authentic on the topic of the influences that belonged to that region. It told secrets where there was a purpose in having such divulged. It could be repudiated when a hit failed or did mischief: acknowledged, when the hit took effect. It was, in short, that kind of organ which history shows us to be both common and useful in the affairs of great men.—This organ, was found in the correspondent of the New York *Herald*,—a familiar Scapin about the President's household. He was the collector of gossip, and haberdasher of the wit of the White House; a regular frequenter of the garden and of the levées, —where he made notes for frivolous flatteries, and described the Court Paragons,—never forgetting the President himself,—in mawkish bombast; and said ill-natured things of such as fell not within the category of Court favor. He was purveyor-general to the domestic vanities. It was his vocation to pick up and sift all the current glorifications of Mr. Tyler and his household, which were dropped by the way side, or which were laid in the path of this assiduous functionary, on purpose to be picked up, by those who had some personal motive to flatter. The zeal and ability with which he performed these offices, made him a favorite, and, in various by-ways, gave him access to many State secrets; whereby he had a knack of predicting the President's opinions and meditated acts, with wonderful precision, before they were made known through any other channel. His letter was always an infallible index to the coming message. If any one is anxious to learn

what was concocted in the White House, during the Extra Session, or desires to know how the President lived,—what were his habits, what he thought, said and did, or how he looked—let him resort to the correspondence of the *Herald*.

These are the two organs whose testimony I find occasion, in the first place, to employ. I have other witnesses—graver but not more authentic.

Letter-writer Scapin, as early as April 20th, which was only a fortnight after Mr. Tyler made his Inaugural Address—not quite a fortnight—and full forty days before the Extra Session, blurts out—very indiscreetly, we must say now—a piece of intelligence regarding the Bank. It would, doubtless, have cost him his place if the President had then foreseen how very deep was the faith of the nation in his known abhorrence of a Bank, and how shockingly ungrateful the Democracy have become in refusing to trust one so distinguished for this aversion.

I quote this intelligence in Scapin's own words.

“A letter has been received from Mr. Rives, in which he expresses his decided approbation of the tone and doctrines of President Tyler's address to the people, and pledges himself, unequivocally, to the support of the principles of Mr. Tyler and his administration. *This is regarded as decisive of the charter of a National Bank. Mr. Rives's vote renders such a result certain.* The Message is to be confined to a full exposition of the affairs of the nation, the situation of the Treasury, the state of the currency, foreign relations, and such other topics as are ordinarily discussed in papers of the kind, *without suggesting any specific plan or any measures for the relief of the people. All this is to be left to Congress.* THE SECRETARY OF THE TREASURY HAS NEARLY COMPLETED HIS PROJECT FOR A BANK, but its features have not yet transpired.”

There is what was known at Washington six weeks before the meeting of Congress:—namely, Mr. Ewing was then preparing a Bank bill: Mr. Rives's approbation of the Inaugural was held decisive of his vote in favor of the bill in the Senate.

At the opening of the Extra Session the President's Mes-

sage was accompanied by the Report of the Secretary of the Treasury. This paper earnestly recommended the establishment of a Bank. It adds—"If such an institution can be so conceived in principle and guarded in its details as to remove all scruples touching the question of constitutional power, and thus avoid the objections which have been urged against those heretofore created by Congress, it will, in the opinion of the undersigned, produce the happiest results, and confer lasting and important benefits on the country."

The Bank was thus brought distinctly to the consideration of Congress both by the President and the Secretary.

The President was desirous that Congress should call on the Secretary to report a plan for a bank. He expressed this wish to more than one member immediately upon the opening of the session: in fact, invited the call. Mr. Wise, his confidential friend, introduced a resolution to this end into the House on the 3d of June. Mr. Clay did the same thing in the Senate on the 7th.

On the 12th of June the Secretary, Mr. Ewing, made his report, and with it a bill for the incorporation of "The Fiscal Bank of the United States."

The bill is represented by the Secretary, as creating an institution, "in the general plan and frame" of which "he has endeavored to free it from the constitutional objections which have been urged against those heretofore created by Congress."

This plan, accordingly, differs from the former Banks in two essential characteristics,—both of which, it was understood, were introduced upon Mr. Tyler's suggestion and in deference to his peculiar views of the Constitution.

First, It proposes a Bank to be incorporated in the District of Columbia.

Second, It was to have the power to establish Branches only with the assent of the States.

Many provisions were made to guard against the abuses which were known or alleged to have crept into the former banks.

In all other respects,—in amount of capital, in privilege of discount and exchange, of faculty to create paper money, of influence over the commerce and wealth of the country ; in all that concerns that hideous Money-Power which has frightened so many anxious patriots from their propriety ; in all means of doing good and harm incident to a Bank ; of “monopoly of brokerage ;” of making “the rich richer and the poor poorer,”—so far as such things ever have been in past days ;—in brief, as regards all and every slang objection which the political cant of ten years has heaped up in the magazine of anti-Bank missiles,—this Bank was, in every essential limb and feature, the same veritable monster which the oracles have said had broken down public liberty and undone the nation ;—the identical Dragon Redivivus which our blessed St. George of the Hermitage had erewhile made

“An example to all Dragons.”

There it was restored ; with the same bristling crest, and horrid claws and fiery eye. Differing only from its former guise, in that its abode was changed to the District of Columbia, and that it might not set its seductive paw upon a State without that State’s consent. As this Dragon was endued with some of the virtues of the siren, all men know what feeble defence might be found in the self-denying virtues of a sovereign State.

Was this Mr. Tyler’s Bank ?

It came from his cabinet minister. It had been on the anvil for more than six weeks. The report accompanying it recognized his hint touching the Public Lands. It was produced upon a call made at his suggestion. In its two chief characteristics—Incorporation in the District, and Assent of States—it was not the scheme of any member of the Cabinet ;—certainly, not of Mr. Ewing who prepared the bill.

Was it Mr. Tyler’s Bank ?

If it was, what are we to say of that importunate claim now made for him as the *very* democrat of democrats—uncompromising strict constructionist, ultra-Defender of the Anti-Bank

Faith—in this even out-Jeffersoning Jefferson ;—predestined and heroic dispenser of the Veto ; whom all men knew from the famous import of his opinions, from the tenor of his whole life and conversation, must crush with his deadliest veto such an enormity as a Bank, at its very birth : was expected to do this—was elected to do it—could do no other than this and *preserve his reputation for fidelity?*—For the doing of which deed, eternal and immeasurable democratic gratitude is claimed as but a small return—small, in comparison with this brilliant service, even though it reach to the glorification of him, with another term and instalment as Chief of the peculiar Anti-Bank Democracy—postponing Van Buren, Calhoun, Cass, Buchanan and Johnson as but milk-sops and carpet-knights in the war against the Monster—What are we to say of this claim ?

We ask, then, again, somewhat anxiously—

Was this thing of Mr. Ewing's, the President's Bank ?

We shall see.

Tuesday, 15th of June, I find published in the *Madisonian*, the Secretary's report and bill, concerning which, editorially that paper remarks, " This plan is substantially the same, except in a few particulars, as that shadowed forth in this paper last week. We not only ' have no doubt of its having the approbation of a majority of the heads of Departments,' as remarked by a city contemporary, but *we can confidently state that it has, in its general features received the approbation of the President*, which is the more important since his concurrence is absolutely necessary to its passage."

Then again on Thursday, 24th of June.—

" The Richmond Enquirer is growing exceedingly impudent, and on some points recently has shown itself mendacious. In his last paper the editor has scribbled a long editorial in ridicule of the treasury plan of a Fiscal Agent, affecting at the same time to be the organ, the adviser and the dictator of the President, while he charges a want of veracity and a want of dignity upon his cabinet. *He even intimates that the Madisonian falsifies the views of the President, and undertakes to deny that*



*the President approves of 'the general features' of the Treasury plan!* Was impudence and vanity the like of this ever equalled in an opposition print?"

About this time Scapin writes a letter which throws some light on the matter.

June 21, he says,

"Mr. Clay's project for a bank was read in the Senate to-day. The important point of difference between *the President* and Mr. Clay is in regard to the compulsory establishment of branches in the States. The opinion alluded to yesterday that Mr. Clay will not press his peculiar views to the extent of *jeoparding the establishment of a Fiscal Agent* is gaining ground, and the impression now is that the prominent measures of the party *will prevail* at the Extra Session."

These are a few, selected from many testimonies, to the same import, furnished by the newspaper depositaries of the President's confidence.

The highest testimony of all which we could give upon this point, the most unquestionable in the view of the nation, would be the published letters of the Cabinet officers who resigned. These letters are full and unequivocal, and supply the best material for history, as the evidence of honorable and approved men. But these newspaper fragments are chiefly valuable as contemporary announcements by intimates of the President—made while matters were in progress, while there was no motive to misrepresent, and before any one had foreseen the disastrous conclusion.

Enemies have maligned the letters of the retiring Cabinet officers as being *ex parte*, against the President. There are, however, high testimonies that are not *ex parte* in this sense—but all the stronger for being *ex parte* on the other side;—zealous party friends of the President.

Mr. Cushing is one of these. In his letter to his constituents, September 27th, 1841, written in defence of the President, he puts the case somewhat thus:—There were two courses for Congress to pursue: either to pass a bank bill of their

own, without consulting the President, or to ask the President for a bill and pass that. He argues, in effect, that if Congress had done the first, and the President had vetoed their bill, they *could not* have reasonably complained ; or if they had done the second,—asked for a bill and passed it,—they *would not* have found occasion to complain.

He then adds—

“Congress saw fit to adopt neither of these courses, that is, neither passing a bill of its own, nor *accepting one from the President*. And *hence its failure to incorporate a Fiscal Bank*.”

Mr. Wise is another of these witnesses. He also wrote a letter after the Extra Session, November 5th, and published it. “Who,”—he asks in that letter—“according to all party usages, ought to have been regarded as the true exponents and representatives of the Whig party? Undoubtedly its President, elected by the party, and the Cabinet chosen or continued by him. Their joint councils ought to have been taken as the embodied will of those they represented. What did they do? *It is well understood that they had come to a compromise upon the vexed question of a Fiscal Agent*. The Secretary of the Treasury, Mr. Ewing himself, proposed a plan which he recommended to Congress as one which would conduct our finances and commerce, equalize exchanges, regulate currency and avoid all constitutional difficulties. This was the very desideratum, if it was what he described it to be, and this was emphatically by a Whig administration recommendation from the proper department, *said to be acquiesced in by the President*, and it was called for by both Houses of Congress. *It was justly regarded as the Whig measure of the first moment*, and would, as such, have been met and treated, doubtless, by the Opposition or Van Buren party.”

Upon this same point, highest of all, we have the testimony of Mr. Webster. It was given to the world in that unhappy Faneuil Hall speech of his.

“At the Special Session Mr. Ewing proposed a plan for a National Bank. *It received the approbation of every member of*

*the Cabinet, as the only plan which would be likely to succeed, considering the opinions of the individual whom we had all agreed to put in the second place in the Government.* It was the part of wisdom not to see how much of a case we could make out against the President, *but how we could get on as well as we might, with the President.* Mr. Ewing's bill did not allow the establishment of branches without the consent of the States. I have no idea myself that there is a constitutional necessity for this restriction. I never had any such idea, but I could see no great difference that it could make. It was merely a theoretic difficulty, attended with no practical disadvantages that I could see."

Now, here is a brief of evidence from Scapin, of the Kitchen, up to Daniel Webster,—all strong to the same point,—the paternity, namely, of what is generally known as Ewing's bill, in the President.

What is the corollary from this? That Mr. Tyler was, as late as the 12th of June, 1841, *the friend and advocate of a Bank of the United States.*

No one imagined, at that time, that he would ever deny this. It was no secret. He communicated his wish to have a Bank to many members. He was thought to be particularly tenacious about his Bank. The Whig party so understood him and so relied upon him; shaped their course with reference to this reliance.

Mr. Ewing's report and bill were referred in the Senate to the Select Committee on the Fiscal Agent, of which Mr. Clay was Chairman. That Committee reported on the 21st of June.

In all essential features the bill reported to the Senate by Mr. Clay is the same as that of the President, with one exception. That exception regards the establishment of Branches.

The Bank, in this plan, as in the other, was to be situated in the District of Columbia: it was to have the same capital of Thirty Millions—with a provision for future increase, if Congress should think it advisable, to Fifty Millions!

It provides for a Government subscription of Ten Mil-

lions instead of the President's Six ; and it dispensed with the Fourth Instalment of the Surplus Revenue, amounting to upward of Nine Millions which the President's bill proposed to make part of the Capital :

It allowed dividends as high as Seven per cent. : the other restricted them to Six :

It gave nine paid Directors, and required *a majority* to transact business : the Executive scheme proposed seven paid directors and *three* a quorum for business.—It was somewhat more stringent in its regulations than the Bill of the Executive : among other particulars in these :—

It forbade the appointment of any member of Congress, or of a State Legislature, or officer, or Contractor of the Federal or State Governments, as a Director in the Bank or its Branches :

It forbade all discounting within the District of Columbia, or loans, except to the Government :

It gave additional powers to facilitate free examination of the Bank by the Secretary of the Treasury :

It added restrictions to the use, and guards against the abuse, of Proxies :

It forbade the officers from borrowing money or obtaining discounts from the Bank, or contracting debts with it :

In these and sundry other particulars, the Senate Bill was more guarded and restrained than the Executive Bill.

These diversities between the two schemes mainly respect the *efficiency* of the proposed institution : they did not touch any debatable question of Constitutional power.

Such a question of Constitutional power, and the only one, was presented in the clause relating to the establishment of branches. In all other points the bills are the same in principle, and, with very little variation, coincident in detail—almost identical in phraseology.

On this point of establishment of Branches—the 16th Fundamental rule in each Bill—the Senate plan differed from that of the Executive, to the following extent :

The Executive Bill authorized the corporation to establish a Branch, for Discount and Deposit, in any State whose Legislature should give its assent to such an act ; such Branch being once established, not to be withdrawn without the assent of Congress :—or, instead of establishing such office, the directors were authorized, from time to time, to employ any individual agent, or bank,—with the approbation of the Secretary of the Treasury,—at any place, to transact the business of the Bank, other than for the purposes of discount.

The Senate Bill, first, made it *obligatory* upon the Corporation to establish an office of Discount and Deposit in any State in which two thousand shares should have been subscribed, whenever, upon the application of the Legislature of such State, Congress should require the same : second, the directors were authorized to establish such offices in any State or Territory, whenever they should think it expedient, without the assent of the legislature : third, or, instead of establishing such offices to employ an agent or bank—to be approved by the Secretary of the Treasury—at any place—to transact the business of the Bank, other than for the purposes of discount.—This latter clause being to the same effect as that in the Executive Bill.

There is a view of the two provisions. It will be seen how very narrow was the difference between Mr. Tyler's proposition and Mr. Clay's : a difference, so far as Constitutional power was concerned, that rested upon the naked alternative, of—

Branches to be established *originally* with the assent of the States, and that assent, once given, to be irrevocable ;—or, Branches to be established when and where found convenient, without that *original* assent.

The President maintained, in justification of the principle inserted in his bill, that, although he could find power in the Constitution to establish a Bank, he could find none to establish a Branch : That, to get this absent power, it was necessary that Congress should apply to each State for a grant of it.—This argument, in deference to the President, we must call “Strict Construction !”



Mr. Clay, on the other hand, held, that if the Constitution did not give the power to establish a Branch, no assent of a State could give it ; and, therefore, that it was unconstitutional to attempt to derive power from the assent of a State.—This argument we may presume was deemed “Broad Construction !”

Mr. Tyler, the Strict Constructionist, thought an unconstitutional Branch might be made Constitutional by the assent of a State :

Mr. Clay, the Latitudinarian, could find no power in the Constitution to ask assent as the foundation of a right.

Strange livery, this poor serving man, Construction, has got into !—But there is the whole Question.—Even upon such a rock as this has our skilful Palinurus steered his cock-boat.

Upon this logic, a division of opinion arose in Congress : not as to which of these positions was the sound one.—I believe there was not a man in either House who honestly and sincerely held with the President.—Not one. But the question which now divided Congress was—Cannot the President be gratified as to this crotchet of his regarding the Assent of the States? Cannot Congress, if it finds motive to do so, as a matter of expediency merely, *waive and forego its right* to establish a branch, and ordain that that right shall not be exercised except in such case as when a State may express a wish for a Branch?

Upon this point, there was a very general, perhaps unanimous, concurrence of the Whig party in the affirmative. Is it expedient to establish such a precedent?—May it not be used, hereafter, to the prejudice of good Legislation? On this point there was less unanimity. Some members were strongly opposed. Then it was suggested that the power might be waived, with a protestation. I know not how many suggestions were made. There was certainly great solicitude to comply with the President’s wish, if possible.

The difficulty was, at last, thought to be settled by a Compromise ;—a Compromise to which it was reported the President had agreed. Whether he had or not, I am unable to say.

It was believed so, at least ; and more especially, as 'The Madisonian broached the idea and advocated a settlement, much in the terms of this now brought forward.

This Compromise was sufficiently ridiculous. There was great repugnance to it through the Whig ranks. But it was finally agreed to, because the majority thought the President wished it. Nothing but that could have got it a dozen votes.

The whole controversy rested on a foundation so exceedingly frivolous—this crotchet of the Assent of States—that no new frivolity in the progress of it excited surprise.

The Compromise was this—

The Directors to have power to establish a branch with the assent of the State, and, when established, not to be withdrawn without the consent of Congress :—Provided, first, That the power to establish a Branch shall be unrestrained, in respect to any State which shall not, at the first Session of its Legislature, after the passage of the Charter, express its *Dissent* ; in defect of which, *Assent shall be presumed* : And Provided, second, That whenever Congress shall deem it “necessary and proper” to the execution of powers granted by the Constitution, to establish a Branch in any State,—then Congress may require the Directors to establish such Branch.

This Compromise being thus arranged in conformity, as it was supposed, with the President's views, it was incorporated in the Bill, and the Whigs then hastened to pass it,—hoping that they had thereby allayed the prickings of Mr. Tyler's sensitive and too prurient conscience.

The Bill was not agreed to without a smile. In fact, the whole affair had a dash of the comic in it.

The Whig party having got through this their first trial—happily as they thought—congratulated themselves upon having so clear-sighted and practical an Abstractionist at the head of affairs.

## II.

## TYLERISM.

I will do Mr. Tyler the justice to say that I have no reason to suppose he ever gave any distinct promise to accept the Compromise, although such a belief was prevalent. His demeanor, at this time, became very diplomatic. Speculations were afloat,—would he veto the bill, or would he sign it? The Herald positively announced a Veto. The Madisonian, of June 29th, had proposed and advocated a Compromise, as we have said, of very much the same import with that which was adopted:—Now that the bill was passed, it assumed another tone and rather ominously hinted at a Veto. The greatest anxiety prevailed among the Whigs to avoid this catastrophe. The President was well aware of this anxiety, but gave no intimations of what he would do. From day to day he encouraged hopes quite as vividly as he excited fears. He either was or seemed to be greatly agitated by the question. The Bill was passed on the 6th of August; he kept it until the 16th. During this interval his house was filled with visitors from the ranks of the opposition: they took possession of his ear; became his intimate advisers.—What advice they gave we may conjecture. He affected to complain that the Whigs kept aloof from him; and when, learning this, they hastened to disabuse his mind of that impression and sought communion with him, they were not only coldly received, but reproved by his intimates for their importunity.

Thinking it their duty to do every thing in their power to avert the threatened veto, they waited upon him in delegations, to apprise him of the feeling which was likely to arise in the country upon this act. One delegation in particular, of great respectability—the Whigs representing Ohio,—called upon him on Friday evening the 13th of August. They told him frankly what they feared. Assured him of the earnest desire of the party to preserve harmony and good will toward the President: represented to him the deep concern of the nation in the Bank

question. He protested his own intense feeling upon the subject: spoke apparently with frankness of the difficulties he felt in regard to certain points in the compromise section: suggested an amendment which would render this section acceptable to him: declared his entire freedom from all prejudice or extrinsic influence in regard to the measure: wept,—promised to pray for guidance—and then asked, by way of remonstrance, “Why did you not send me Ewing’s bill?”

“Would you sign that bill?”—inquired one of the delegation.

“I would”—was the reply.

Such was the interview as described by those who witnessed it. The Ohio members left his apartment fully possessed with the opinion that the President was sincerely desirous to have a Bank such as his cabinet minister had reported. Although they had reason to expect a veto of the pending bill, they believed that all difficulty would be removed by adopting the President’s plan as it came from the Secretary. This opinion they infused into the Whigs of Congress; and the hopes of a favorable settlement began to brighten.

Three days after this interview—Monday, August 16th—Mr. Tyler sent the bill back to the Senate with his Veto Message.

So far as this act signified his dissent from the Senate bill, it surprised nobody. The recent reports, especially that from the Ohio delegation, had prepared Congress to expect it. But the substance of the Message, and the grounds upon which it placed the Veto, greatly surprised everybody—excepting those only who were in the secret.

The Message presents four objections to the Bill.

First, That it is an attempt to create a Bank to operate *per se* over the Union,—and therefore unconstitutional.

Second, That it is a Bank of Discount,—and therefore unconstitutional.\*

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\* “I have not been able to satisfy myself that the establishment by this government of a Bank of Discount, in the ordinary acceptation

Third, That it was not a Bank exclusively confined to the power of dealing in Exchanges, which would be constitutional and eminently useful, if conducted on the plan of the Exchange operations of the old Bank.\*

Fourth, That the Assent of States toward establishing Branches was not sufficiently secured.

The first three of these objections apply as forcibly to the President's own bill as to that from the Senate.

If the latter is a bill to operate *per se*, so was the former,—that is, if there be any intelligible meaning in these words, which I by no means assert, for I have never seen any man who could define exactly what the President meant by a Bank

of that term, was a necessary means, or one demanded by propriety, to execute those powers.—What can the local discounts of the Bank have to do with the collecting, safe-keeping and disbursing of the Revenue?—*Veto Message*.

\* “For several years after the establishment of that institution (the old Bank) it dealt almost exclusively in *local discounts*; and, during that period, the country was, for the most part, disappointed in the consequences anticipated from its incorporation.”—“It had, up to that period, dealt to but a very small extent in *Exchanges* either foreign or domestic, and as late as 1823 its operations in that line amounted to a little more than seven millions per annum. A very rapid augmentation soon after occurred, and in 1833 its dealings in the Exchanges amounted to upward of one hundred millions, including the sales of its own draughts. The currency of the country became sound, and the negotiations in the Exchanges were carried on at the lowest possible rates. The circulation was increased to more than \$22,000,000, and the notes of the Bank were regarded as equal to specie all over the country: thus showing, almost conclusively, *that it was the capacity to deal in Exchanges and not in local discounts which furnished these facilities and advantages*. It may be remarked, too, that notwithstanding the immense transactions of the Bank in the purchase of Exchange, the losses sustained were merely nominal, while in the line of discounts the suspended debt was enormous and proved most disastrous to the Bank and the country. Its power of *Local Discount*, in fact, proved to be a fruitful source of favoritism and corruption, alike destructive of the public morals and the general weal.”—*Veto Message*.



to operate *per se*.—But whatever hidden significance there may be in this mystical phrase, we may assume that it applies as much to one scheme as to the other.

The President's bank was more distinctly a Bank of *Local discount* than the Senate Bank. For the latter absolutely forbade discounting in the District, which the other allowed. The discount power was as large in the President's plan as in the old Bank.

Then as to dealing in Exchange, Mr. Tyler's plan encouraged it no more than the other, but left this faculty pretty much where it was in the former Charter.

The Fourth objection is peculiar to the Senate Bill. Yet here the difference hangs by a cobweb.

Mr. Tyler had agreed, by the terms of his own bill, that a State which *once* consented to a branch, should not have power to revoke that consent. He objects to the compromise because it raises an *implied* assent when a State does not *dissent* at the first meeting of its Legislature after the passage of the Charter ; upon which, he argues that this inference of assent might in some cases be contrary to the known fact or avowed wish of the State.—Well ; it is standing on a small scruple when we place the constitutional power of Congress on such an abstraction as discriminates between a power to *establish* a Branch in a State without asking consent, and a power to *continue* a Branch after the State desires its removal.

But I have no wish to argue points or chop logic with a President of the United States ;—and less with Mr. Tyler than with any President that ever lived.

I recount these proceedings only to show how completely this Message bewildered the Whig party. It came like a snow-storm in summer. After all that the President had said to the Ohio members, and to sundry others ; after the opening Message ; after the Madisonian and the Herald ; after the report and commendation of Ewing's bill ;—after all these, it seems he could not go *for discounts* !

The Whig members, upon hearing the result of the Ohio

delegation conference, had taken heart and partly resolved, in order to conciliate and to avoid all future difference, to report the Treasury bill and pass it. In perfect good faith and honesty of purpose this idea was entertained by the great majority of the Whigs. But here was the Message giving a flat repulse to any hope from that proceeding.

In the midst of these perplexities and doubts a most strange fact comes to light, and with it another ray of hope.

A member of the Ohio delegation who had visited the President on Friday, the 13th, had occasion to visit him again on Monday, the 16th—just after the Veto Message had been despatched to the Capitol.

The President said to him, "I am glad to meet you again. I wanted to see one of your delegation. When, on Friday evening, I told you I would sign Ewing's bill, if it were sent to me, I HAD NOT READ IT. I wish to recall what I said. I could not sign that. If you will examine the Message I have sent to-day, you will find shadowed forth a much better bank there, one THAT HAS BEEN LONG ENDEARED TO ME."

I do not pretend to give the very words, except in the two remarkable declarations printed in capitals :—I give the substance and words both as reported, in no unfriendly spirit to the President, immediately after the event,—reported in a friendly spirit rather, that farther concession for the sake of harmony might be made.

The fact that Mr. Tyler had not *read* Mr. Ewing's bill, was a new thunder-stroke in the atmosphere of the Capitol.

That he did not know that that bill embraced a power of *Local Discount* !—This, after all that had happened !—It had been in preparation ever since the 20th of April. It had been called for at the request of the President. It had been reported and officially printed in the Documents of Congress and in every newspaper over the land, for upward of two months. The subject had been in debate nearly all that time. It had been the topic of deliberation, with a view to compromise, for the last month. The compromise principle was submitted as

a conciliatory proposition between this bill and that of the Senate. "This bill was the President's bill"—said Mr. Cushing.—"The President and his Cabinet had adopted it as a compromise of the vexed question,"—said Mr. Wise.—"It received the approbation of every member of the Cabinet,"—said Mr. Webster.—And yet Mr. Tyler, the observed of all observers, whose interest in this bill and the questions it presented was deeper than that of any man in America—*he had not read it!*

The Whigs, of course, heard this with a lively estimate both of the sincerity and ability of him whom they had set up to rule over this nation, and again congratulated themselves upon the fellowship of so wise and vigilant a statesman.

A hope yet remained. He had "shadowed out" a plan in his Message; a plan "long endeared to him."—What was this?—The Message was examined, and it occurred at once to every one, upon reading his commendation of the Exchange operations of the Old Bank, that the plan shadowed forth in that document—the "long-endeared" plan—was a bank to be constructed with reference to such dealing in Exchanges as were described to be so beneficial to the country in the Old Bank, and which should be disabled from dealing in local discounts.

To make sure of the President's concurrence in this matter, two gentlemen of the highest standing in Congress,—Mr. Berrien of the Senate and Mr. Sergeant of the House,—were deputed by the Whigs to ascertain from him precisely what kind of a bill he would feel himself authorized to approve.

They executed their commission with great fidelity: had an interview with the President; learned from him that he was in favor of a fiscal agent divested of the discounting power and limited to dealing in bills of Exchange other than those drawn by a citizen of one State upon another citizen of the same State. A bill was prepared in conformity with these suggestions. It was submitted to Mr. Webster and by him to

the President: was approved, sent to the House of Representatives: reported there and passed.\*

When this measure was first proposed, and before it was passed in the House, the President expressed great satisfac-

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\* This whole incident is so singular that it is best to give the account of it furnished by the actors themselves.

Mr. Berrien and Mr. Sergeant being called upon to make a statement on this subject, the following papers were furnished. They were published in the National Intelligencer on the 7th June, 1842.

“ When the bill for the establishment of a fiscal agent, which had been reported by Mr. Clay, had been returned with the Veto of the President, I was requested to unite with Mr. Sergeant in preparing and reporting a bill to establish a Bank on the basis of the *projêt* submitted to the Senate by Mr. Ewing, or such other bill as we believed could become a law. The alternative authority was given expressly with a view to enable us to ascertain, with more precision than was found in the Veto Message, in what particular form the President would feel authorized to approve such a bill; and the whole power was conferred and received in a spirit of conciliation to the Executive, and from an earnest desire on the part of the majority in Congress to co-operate with the President in the adoption of some fiscal agent which should meet the wishes and the wants of the country. Mr. Sergeant and I waited on the President, and, at my request, Mr. W. C. Dawson accompanied us.

“ It is not proposed to detail the particulars of the conversation at this interview, unless it shall be desired by some one who has the authority of the President for asking it. It suffices to state the result. The President, referring to his Veto Message, expressed himself in favor of a fiscal agent divested of the discounting power, and limited to dealing in bills of Exchange other than those drawn by one citizen of a State upon another citizen of the same State. He declared his determination to confer with his cabinet on the question whether the assent of the States ought to be required in the establishment of the agencies to be employed by the Corporation, and also as to the propriety of holding with us that informal communication promising to inform us of the result by a note to be sent in the course of the day. In the course of the same day Mr. Webster came to the Capitol, with instructions, as he stated, to communicate to me verbally the determination of the President, he (the President) believing that that mode of communication would be equally acceptable with the written one that had been promised. He proceeded to state that

tion at so happy an arrangement, and is said to have declared to a member of the House, in the most earnest and emphatic manner, that the passage of the bill,—which, he added, ought to be accomplished without delay—would lay him under the greatest obligations.

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the President would approve a bill for the establishment of a fiscal agency limited to dealing in foreign bills of Exchange. And to the question whether he would require that the assent of the States should be obtained for the establishment of the agencies to be employed by the Corporation, he answered that he would not. He suggested the expediency of changing the name of the Corporation, which was acquiesced in: and by an arrangement then made with Mr. Webster, I received Mr. Ewing and Mr. Sergeant at my lodgings at five o'clock of the same afternoon. The details of the bill, subsequently introduced by Mr. Sergeant, were then and there agreed upon, in conformity with the views of the President, as communicated to me by Mr. Webster and repeated by Mr. Ewing: and in reply to the question also proposed to Mr. Ewing, whether the President would require the assent of the States to the establishment of the agencies, he, Mr. Ewing, likewise replied in the negative. The sketch thus arranged was committed to Mr. Sergeant, who prepared from it the bill which he subsequently introduced in the House of Representatives, a copy of which was, as I understood from Mr. Sergeant, before introducing it, sent to Mr. Webster to be by him submitted to the President. This was the same bill which subsequently passed both Houses of Congress, and which was returned by the President with his second Veto.

“J. MACPHERSON BERRIEN.”

*Memorandum by Mr. Sergeant.*

“In compliance with a request to testify what I know of the matter embraced in the above statement by Judge Berrien, I have carefully examined the same and concur with him in every part of it, excepting only that which details the conversation he had with Mr. Webster. The rest is personally known to me; but not having been present at the interview between Judge Berrien and Mr. Webster, I cannot speak of it from any knowledge of my own. I well remember, however, that Judge Berrien told me of what had passed, very soon after he had seen Mr. Webster (I think on the same day) in substance as he had reduced it to writing. so that I never had a doubt, and have not of its correctness. This conviction is confirmed



The interview of Messrs. Berrien and Sergeant with the President was on the 18th of August. The Bill was prepared on the 19th and submitted to the President and approved by him. It was then returned to Mr. Sergeant, who, on Friday, the 20th, introduced it into the House as an amendment to a bill then pending in Committee of the Whole. On Monday, the 23d, at 4 o'clock, it was taken out of committee and passed, without the alteration of a word from the original report, by a vote of 125 to 94.

Every one now supposed all difficulties in regard to the Fiscal Agency question were at an end. The bill was passed in the Senate, without amendment, on Friday, the 3d of September.

In six days afterward—Thursday, the 9th—it was returned to the House of Representatives with a Veto!—This bill, the “long-endear’d” progeny of the President’s own fancy, met its end from the President’s own veto!

The Message which accompanied the return of the bill is altogether the most extraordinary paper that ever came from an Executive of this nation. It repeats again and again the jargon of a Bank to operate *per se*. He cannot go for a Bank to operate *per se*. He said so in his former Veto:—this is a

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by conversations between Mr. Webster and myself, which took place after the meeting with Mr. Ewing referred to by Judge Berrien, and before I moved the proposed bill in the House of Representatives. These conversations were brief, but they were by appointment and not casual; were earnest and to the point,—so that I do not think there was any error in my understanding of them at the time, nor in my recollection since.

I desire farther to say, as I can do with unhesitating confidence, that my sole object in the whole proceeding, and, I believe, the object generally of those who took part in it, was, by a candid ascertainment and comparison of individual views and mutual explanations, fairly obtained in perfect good faith, to endeavor to conciliate opinion and agree upon a measure which could become a law and meet the public exigency. So far as I know or believe, there was no other purpose whatever.

JOHN SERGEANT.

“Philadelphia, Nov. 2, 1841.”

Bank to operate *per se*—Ergo, he cannot go for it.—Then comes a dash of rigmarole about “the moral and religious obligations of Conscience and the Constitution,” the sanctity of his oath, and such like. Then a descant on the “great conservative principle” of the Veto, “without the exercise of which, on important occasions, a *mere representative majority* might urge the government in its legislation beyond the limits fixed by its framers”—which freak of a *mere representative majority*, he, Mr. Tyler, will by no means permit. He must be rather harsh in this matter “or commit an act of *gross moral turpitude*.” His duty is “to guard the fundamental will of the people themselves from infraction by a *majority in Congress*.”

Then what sort of a corporation is this? It is to operate *per se*. It is *National*, although it is to be established in the District. You may see it is national, because it has to perform certain duties for the Government. *He* is not the man to be deceived by such a cunning evasion as incorporating it in the District! Then, decidedly it operates *per se* over the Union: that can by no means be tolerated. Even if it were a District Bank,—can you give a District Bank general or national powers? “Who can indulge the idea that this Government can rightfully, by making a State Bank its fiscal agent, invest it with the absolute and unqualified powers conferred by this bill?”

And now, as to these bills of Exchange—what are they? They may be unlimited as to time—they may be renewable—they may be made to answer the purposes of mere accommodation. In fact this thing of exchange is no better than local discounts:—local discounts in disguise! I cannot go for any Exchange which takes off any thing from the amount of the bill. That’s discount, and discount is unconstitutional—my utter abomination:—Talk not to me of discounts! As to forbidding persons residing in the same State from drawing bills on each other, which you have put into this charter, what’s the value of it as long as bills may be drawn in Philadelphia on Camden, Cincinnati on Newport? Another objection; there

is no limit set in the rate of Exchange. And then again, this thing which you pretend to call a National Bank, might actually grow so powerful as to be able even to control the State Banks, which "would either have to continue with their doors closed, or exist at the mercy of this National Monopoly of Brokerage!" There is the cloven foot of the "Old Monster" as bad as ever! And again,—worse than all,—being determined to set my face against that unconstitutional enormity of local discount—I remark, "That while the District of Columbia is made the seat of the principal Bank, its citizens are excluded from all participation in any benefit it might afford, *by a positive prohibition on the Bank from all discounting within the District.*"—A doubly monstrous monster!

All this parade of objurgation winds up dolefully with a long-drawn sigh for the "anxious solicitude" he feels "to meet the wishes of Congress in the adoption of a Fiscal Agent;"—a regret in behalf of his unsatisfied conscience; and a whining remonstrance, and prayer for farther time to collect his thoughts, which have been, ever since "the death of my lamented predecessor," so "wholly occupied in an anxious attempt to conform my action to the Legislative will." Congress has surely had glory enough without setting this chaplet upon its brow! "The two Houses have distinguished themselves by the performance of *an immense mass of labor*, and have passed many laws which, I trust, will prove highly beneficial to the interests of the country, and *fully answer its just expectations. It has been my good fortune and pleasure to concur with them in all measures except this.* And why should our difference on this alone be pushed to extremes?"

With such "skimble-skamble stuff" as this, did he seek to cover his desertion of his post as a Whig, and to protect his march into the camp of the enemy: to hide his conscious shame from the multitude who were standing by as witnesses to his defection.

He, himself the author of that original idea of a Bank in the District intrusted with the national duty of a Fiscal Agent;

he, the author of the Bank of Local Discount ;—he, the author of *this* Bank of Exchange, with all its provisions is it stood,—originator, supervisor and approver of this identical scheme, unchanged in letter or syllable as it came from his hand—pours forth such wretched drivelling before the whole American people : so coolly abandoning what he had professed and promised ; so deliberately taking back all that he had so ostentatiously put forward ; with such pitiful appeal for commiseration forsaking his pledge ; with such affected martyr-meekness violating his faith !—That he could write *such* a Message—send it to the Legislative Hall where American citizens were congregated—give it to the world of the American people—and hope to be believed—forgiven !

### III.

#### PROGRAMME OF THE TWELFTH OF JUNE.—A SHUTTLECOCK.

What was the real secret of these vetoes? Was it conscience? Was it political fidelity? Was it deference to the just expectations of the people?

Mr. Cushing, in his letter to his constituents, heretofore quoted, said it was conscience—political fidelity—consistency of principle. “He conscientiously disapproved those bills”—says Mr. Cushing :—“in what he has done, he has but acted in accordance with the long-avowed, well-known, and persevering opinions of his whole life.” That is Mr. Cushing’s apology. What a Jack-a-Lantern tramp this gentleman has had, in order to keep pace with the President’s rambles !—Hear him, in that same letter. “It was known generally, and it was known particularly to those members of Congress who, by their experience and political position, had the best opportunity and the greatest inducements to obtain a clear understanding of the facts in this respect, that the President of the United States had strong and fixed convictions concerning a National Bank :”—Here manifestly Mr. Cushing plunges into his first quagmire :—*Strong* and *fixed* convictions !—“that it was his anxious

wish, so far as his conscientious opinions would permit, to conform his action in this matter to the wishes of Congress"—most obviously another quagmire :—Congress was seeking to conform to *his* wish : thought they had ascertained it from himself : had his own Presidential word for it :—"that, accordingly, he had reflected much and counselled with his constitutional advisers on the subject, and that among other conclusions, to which he arrived, was this—Either no Discounts ; or, if discounts, then assent of States.—The President never lost sight of the fundamental idea originally in his mind ;—either no discounts, or if discounts, assent of States."

There is Mr. Cushing's solution most logically put. the Jack a Lantern has left him a full fathom deep in the fen.

Does it solve the riddle of Mr. Tyler's vagaries, in this Bank matter, to throw it into such a dashing syllogism ?

Mark these conclusions :

The President's "strong and fixed convictions," "his long-avowed, well-known, persevering and conscientious opinions" were,

First, That it is constitutional and expedient to establish a Bank in the District of Columbia, with all the faculties necessary to a Government Bank.

Second, That it is constitutional and proper to make this a *Bank of discount*, provided the assent of States be required for the establishment of the Branches :—and

Third, That if that assent be not required, then it is constitutional and proper to establish a Bank to deal in Exchange without a power of Local Discount.

These are Mr. Tyler's opinions respecting a Bank, as vouched for by his confidential friend and champion, Mr. Cushing. Possibly enough, at one instant, they were so. Before his first Veto they were broader still. After his first Veto they were narrowed to this. After his second Veto, what were his opinions ? Let any man read that Veto Message and say if Mr. Tyler on the 9th of September was in favor of a Bank in the District ; was in favor of a Bank of Discount ; was in



favor of a Bank of Exchange :—whatever he might have been on the 16th of August,—on the 1st of June.

I ask again—What was the real secret of these Vetoes?

When the President came to Washington in April, 1841, in the youthful prime and ardent hopes of his new-fledged power—I believe he came with a hearty spirit of thankfulness to those who had brought him to this extraordinary fortune, and with an honest thought of evincing that thankfulness by a full, fair and manly furtherance of the great objects which had embodied the Whig party. In the glow of this feeling he made that proclamation “you have only lost one Whig to gain another.” In the glow of this feeling he wrote and published his Inaugural address, so full of promise—promise that he really *then* intended to keep. In this genial and auspicious mood reappointed the Harrison Cabinet : felt that there was no duty upon him as a magistrate more sacred than that of hearty and zealous co-operation with the Whigs ; upon him, as a man, more touching his personal honor, than to comport himself toward the Whigs with unquestionable good faith.—These, let us have the charity to believe, were his ruling emotions.

When the Message for Congress was prepared these better influences still prevailed—still prevailed in the first four or five days of the session.

But when men gathered round him ; when associations and cliques began to plot and speak out ; when the opposition found they had a man to flatter ; when others found they had a man to lead, the demeanor of the President was remarked to have undergone a change.

There were many in Washington who saw, with inexpressible sorrow, that the President began to grow ambitious and to look to the prospect of another term. Whether this were an original conception of his own, or whether it were infused into his mind by others, it is not my purpose to inquire—but it was lamentably apparent that that idea had taken possession of his thoughts. He has denied it ;—and, as proof, has appealed to the fact that, in preparing his Second Veto Message, he pro-

posed to introduce a declaration that he would not be a candidate.—Whether on the 9th of September, his conduct had become so equivocal as to make it necessary to resort to this device of denial of his ambitious hopes, is a point of little significance. It certainly is suspicious enough to find Mr. John Tyler, at any period, under a necessity of making proclamation that he is not a candidate for “a second term.”—What put “such toys of desperation” in his mind?

I say it is significant enough, that Mr. John Tyler should have got himself into such suspicion, as to make it necessary for him to explain that *he* did not seek “a second term.”—For, on this Second Term question, Mr. Tyler was something of a Knight Errant. He claimed to be one of the first men in the nation to denounce it: wrote a letter against it, which has been often quoted;—drank a toast which ran in this wise—“Pilgrim Presidents and Travelling Cabinets, the fruitful offspring of the Second Presidential Term: One Term and no Re-election: the best interests of the country demand it. Will not the popular suffrage sustain it in 1840?”—Indited some pungent essays in the Richmond paper on this point,—if rumor does him justice.—He was a Knight Errant, therefore, as we say, and had broken a lance in this cause—was somewhat Quixotic upon it. There must have been pregnant matter in his conscience which could whisper to him—Say to the world, when you put your Veto on a Bank, you will not be a candidate:—even in so incongruous a way and on so odd an occasion as this, say so.—Truly, the man who in his category, should be reduced to the strait of certifying, in such wise, that all his original Quixotism in favor of “a single term” was indeed genuine, and not mere falsehood,—such a man has brought himself into a necessity for better vouchers than his own word!—*Why is he a candidate now*—NOW, after all this zeal of denial? Has he exemplified in his own experience that all his arguments against “a second term” are futile? Has he found out that the incumbent of the Presidency has no inclination or motive to use his patronage and influence to

make him friends for an election?—or that these things are not so corrupt as he fancied?—or, being corrupt, that they are none the worse for that?

Mr. Tyler's conduct can be reconciled to no theory but this,—that he had set his thoughts upon a second term. The incidents of the day all pointed to it. His express declaration to Mr. Botts confirmed it.

It was very evident that, *as a Whig*, he could hope for no success in this enterprise. The strong antipathy of the Whigs was arrayed against a second term:—it had been written on their banner. It was not against a second *election*, but against a second *term*,—whether the first were by *election* or by *accident*—that they had taken their stand. They went against the principle, as tending to corruption,—the principle of a President *de facto* being under inducements to electioneer for another period of incumbency in office. This applied to a Vice-President accidentally elevated, as well as to a President elected. Mr. Tyler knew this, and knew that from the Whigs he could expect nothing farther, even if he had been the worthiest and best beloved in their ranks. Therefore, he meditated desertion from the Whigs.

Having come to this point, he cast about him to make some fair and plausible show of pretext for the deed. He was told—"Quarrel with Mr. Clay, the peculiar favorite, friend, leader of the Whigs:—denounce him as a Dictator:—charge the Whigs with Caucus Domination:—and, above all things, Veto a Bank!—in this Veto you will gain two great helps—the Democracy will call you Deliverer—the Abstractionist will call you High Priest. A Third Party will grow on these foundations which shall be numbered as the leaves of the forest, Head, Chief, Oracle of this third party, the Presidency and all its glories will be yours for another, and perhaps another term."

This advice was taken. Mr. Clay was forthwith denounced as the Dictator—denounced even before Congress had well set about the work of the session; long before Mr. Clay had opportunity to dictate an amendment even to a single measure.

Here I invoke Scapin again.

The New York Herald of June 12th presents the affairs at Washington in this position—

“1st. From demonstrations in the House it may be safely assumed that there is in that body a majority in favor of some sort of a National Bank, of at least thirty votes.

“2d. In the Senate a similar majority of, at least, three, and probably five.

“3d. Mr. Clay has *the entire control of both Houses*, and his influence has predominated in the organization of all the important committees.

“4th. There is a most thorough and cordial understanding between Mr. Webster and the President. This is a curious fact, and grows out of the political history and present position of each.

“5th. Mr. Tyler and Mr. Clay must quarrel. Mr. Clay is overbearing to an extraordinary degree, and *the President will not submit to his dictation much longer*.

“6th. If the influence of Mr. Clay shall carry through Congress a bank charter, conflicting *at all* with the President's constitutional notions, *it will be vetoed by John Tyler beyond a doubt*: and *this act will at once break down both the great parties, Whig and Locofoco—reorganize the masses anew—produce an extraordinary excitement throughout the country, and probably carry John Tyler into the next Presidency, by an overwhelming force, and place Daniel Webster in the line of succession.*”

This was the announcement of the Government paper, in the City of New-York, on the 12th of June, 1841, within the first fortnight of the session,—before Mr. Ewing's bill was reported to Congress, and before any business of moment had been brought to the view of either House!

Making allowance for the time necessary to prepare and transmit these views from Washington to New York, scarce a week from the commencement of the session could have elapsed before this proclamation was made of Mr. Clay's disposition to *play the dictator*. During that week both Houses had ad-

journed from the 2d to the 7th with a view to organization. Nothing had been done : apparently, nothing but good feeling and pleasant anticipation prevailed.

This paper is very noteworthy for two characteristics : the singular accuracy with which it sets forth the President's aspirations and the means by which he hoped to accomplish them ; and the foreshadowing it gives of the precontrived plan by which Mr. Clay was to be vituperated and shorn of his influence. The charge against Mr. Clay of dictating to the President, or manifesting an overbearing demeanor toward him or toward any one else, here, in the first week of his appearance at Washington under the new administration, is sufficiently absurd upon the mere statement of it. The other charge against him of controlling the two Houses, through the organization of the Committees, is childishly false, as any one may see who will examine these committees : as every one at Washington knew.

This paper, however, is a most ominous presignification of the coming events.

Can we read such an announcement as this—this laying off, in advance, a quarrel between the President and Mr. Clay ;—*this prophecy of the Veto* ;—this foredooming of both parties to dissolution ;—this strange prestige of Mr. Webster's fate ;—this reckoning upon the future popularity of John Tyler,—and *this prediction of his candidacy for another term* ? Can we read these remarkable paragraphs, published so early as the 12th of June, 1841, in a journal, the chosen champion of the administration, its flatterer and organ in New York—can we read these and fail to see in them the casting of a horoscope by an astrologer who consulted his hopes rather than his stars ?

The files of the Herald furnish innumerable proofs, from this time forth, of the effort at the White House to spread abroad the hopes and fears raised by this programme of political action. The effort was so far successful that, from that day, all who were disposed to flatter the President spoke of Mr.



Clay as "The Dictator." Nothing was understood to be more agreeable to the Presidential ear than to hear that word.

The Veto was a more difficult point to carry. The President stood so committed on the Bank; had given such notoriety to his ambition to establish a Bank, that he lacked the courage to come boldly up to this flagrant tergiversation. He wavered, faltered, writhed to escape. Then, like a man drawn two ways by tugs of supposed interest and real remorse, he fell to equivocation: paltered with both sides. It was lamentable to see a human being so tossed by opposing forces—lamentable to witness the reverberations of such a shuttlecock.

In the alternate visits which he received from persons of varying opinions on this bank question, each came away with a fixed conviction that the President would sign the bill, or veto, according to the hopes of the visitor.—The last-comer always seemed to have him.—To Mr. Smith he protests his inclination to sign:—"If the Bill only had this out, and that in,—he would certainly sign.—In regard to the Exchange Bank, what could be so agreeable to him, as to sign that Bill!"—To Mr. Brown, he declares "he will certainly Veto that or any bill."

"We will prepare the bill to suit yourself: it shall be entirely as you wish it. We will give you the Exchange Bank in your own words"—say those who come from the Whigs.

"That Exchange Bank has been long endeared to me," replies the President. "Pass that; you can do it in three days—I will be under eternal obligations to you. Change the name: call it Fiscal Corporation. I will sign it cheerfully."

"Remember!" ejaculates the other side, in a sepulchral voice—"Veto a Bank, or surrender all hope of future glory. Remember!"

"Alas, I have promised to sign"—groaned the unhappy man. "To this bill I am deeply pledged. How can I escape? Spare me this!"

"Pledged!—are you not pledged to the glorious certainty of another term? Were you not born to redeem the land? Can

you hesitate when such brilliant hopes beckon you onward?—be a man, and Veto.”

“It is my own bill—there are witnesses against me.”

“Outface your witnesses—denounce the Bill or look for no favor from the Democracy—look for no third party—look for—”

“If I had not proposed the plan—if I had not seen the bill—if I had not approved it”—again sighed the President.

“Can you find no quirk no quillet?—you an old politician! Where are all your abstractions? Take courage. Veto the Bill. Jackson rose upon a Veto; his name will make it popular. So Veto the bill, no matter what shape it take!”

These counsels—these hopes—these terrors prevailed, and the Veto came at last—though well-nigh lost from faintheartedness.

The quarrel with Mr. Clay being now well hatched; Mr. Clay himself successfully denounced as “The Dictator;” the Veto being secured,—the prosperous actors in this little drama had nothing left to do, but to lie by and wait patiently for that promised surging storm which was to wreck both of the old parties and on whose friendly billows the ambitious Shuttlecock of the day was to be wafted to his predicted popularity.—To a certainty, it has come!

#### IV.

##### DISMISSAL OF THE CABINET.—THE CHEATS OF SCAPIN.

The next movement was to quarrel with the Cabinet. It was very clear that the great game of the programme of the 12th of June could not be played out, in friendly association with the Harrison Cabinet.

That Cabinet consisted of the picked men of the Whig party, and was looked upon as the living personation of Whig principles. It possessed the most commanding talent. It was distinguished for its lofty bearing, its honorable frankness and fidelity, and for its thorough rightmindedness in the doctrines and aims of the party to which it belonged. No sinister object could be accomplished while that Cabinet had swi

Mr. Tyler had not the courage to attack it openly. On the contrary, to the last, he affected to entertain the most friendly sentiments toward it:—marvelled even that any member of it could find motive to resign.

His Veto Message of the 9th of September, whines, as I have said, on the topic of his Whig attachments. “It has been my good *fortune and pleasure* to concur with Congress in *all measures except this*. Why should our difference in *this alone* be pushed to extremes? It is my anxious desire that it should not be. May we not now pause until a more favorable time when, with the most anxious hope that the Executive and Congress may *cordially* unite, some measure of finance may be deliberately adopted promotive of the good of our common country?” This, on the 9th of September, 1841. Here is a profession of fellowship. On the 13th of September Mr. Webster said, “I have seen no sufficient reasons for the dissolution of the late Cabinet by the voluntary act of its own members.”

It is quite apparent that Mr. Tyler wished to represent himself to the country as holding the defensive: that the dissolution of the Whig Cabinet was not of his seeking; that he was for harmony and union.

Now, it is a fact well known, notwithstanding these professions, that Mr. Tyler had been at work to form a new Cabinet: to get rid of the old.

In the first place, he held no such free communication with his Cabinet on these delicate questions of the Veto, as a friendly President would hold with officers so confidentially connected with the administration. They were taunted with this in the public papers.

On the 10th of August the Herald letter has the following:

“The impression is gaining ground that there must be an entire recomposition of the Cabinet in the event of a Veto. Every member, it is understood, lent himself to the views of Mr. Clay, and encouraged the subterfuge which is facetiously called a compromise, and no one of them, therefore, can sus-

tain the President in a Veto. Is it not obvious, then, that there must be a dissolution? Up to this morning not one of his constitutional advisers was apprised of the President's determination about the Bank Bill. It is apparent, therefore, that there is no cordial understanding between the Executive and his ministry, and a change must come of course."

From this time forward this correspondence is full of hints of the President's dislike of his Cabinet. Their successors are frequently named—several of them in accordance with the subsequent appointments.

On the 6th of September a letter singularly impertinent is published. As if impatient that the Cabinet had continued insensible of these hints so long, Scapin writes in terms of insolent insult.

I make more extracts from this letter than others—because, though coming from the back stairs, it is very notable as the language of a familiar at the White House.

"The Bank Bill will be returned on Wednesday or Thursday, with a Veto Message to the House of Representatives where the bill originated. The Clay men have held a caucus and decided that it will be best to receive the Message without any particular demonstrations of hostility to the President. Their animosity has cooled down to a calculation of chances. They think it wiser to receive the Message with some deference to the character and position of the President, *by which course of proceeding it is hoped a dissolution of the Cabinet may be prevented.* In this way they propose respectively to return to their constituents, and, by a common movement, arouse the people against Mr. Tyler, *while they are still in league with the Cabinet.* They are to return to the siege in the shape of indignation meetings, newspaper denunciation, and other affiliated hostile movements, extending all over the country, while in the interval of a calm of a few weeks, it is hoped the President will, in his great good nature, confide the keys of the fortress to *their allies and his secret enemies.*

"Were the Clay men to denounce the President just now, it

might lead to an immediate breaking up of the Cabinet, and *these magnanimous gentlemen might lose all future chance of getting offices.* The Cabinet, one and all, are hard at work to allay all open evidences of a rupture, and counselling their friends to go home and raise the standard of revolt there, *while their own efforts are directed to undermine and circumvent the President here.* This is their game. *Who would have believed that high-minded and honorable men, for such members of the Cabinet ought to be, would thus concert a system of party movement, by which to destroy the very man at whose will they hold their offices, and who is constitutionally responsible for all their official acts? What treachery! What ingratitude! Why do they not act like men, and, at once, give in their resignation, and suffer the President to bring to his aid such men as he has confidence in? Nothing can exceed the industry of the President. He rises early and retires late. Every hour of the day is devoted to his duties. He is compelled to look over papers and decide on a great mass of matters that would be handed over for the action of the Secretaries if they were men really his friends; but he knows full well the secret objects the leading members of his Cabinet have in view, and, of course, he is constrained to do almost every thing himself.* There is a total absence of all energy in every branch of the Government. *The cause of all this is obvious. The President and his Cabinet are mutually mistrustful of each other, —there is, there can be, no cordial, confiding co-operation between them. The Cabinet are playing the game of the President's enemies, and desire nothing so much as his defeat and dishonor.* As the thing works now, the President is forced to play into Mr. Clay's or Mr. Webster's hands. The Cabinet know that the President feels this to be his position, *and yet they do not, will not resign.* Look at the dictatorial tone and language of the Richmond Whig, the Boston Atlas, the Wall Street press—papers that have always defended Mr. Webster and Mr. Clay—these are the papers which are the most bitter and the most insolent in their attacks upon Mr. Tyler and his friends. *Who can doubt that these papers are prompted to the course they*



*pursue by Mr. Webster and Mr. Clay? Mr. Clay is pretty open—he likes a fair fight, but Mr. Webster, who is every inch a coward, stabs the President through friends whom he affects to disavow. Add to this an inordinate love for the honor and emolument of station, and a desire to pervert their official influence to the purposes of selfish aggrandizement hereafter, and you have an explanation of the anomalous circumstance of men of reputation and character holding on to office, while it involves personal degradation, and indicates both a total want of self-respect and what is due to the President of the United States.”*

No idle, chattering gossip was this of floating scandal, or licentious coinage of quidnuncs of the capital. It was a voice from the innermost chambers of the President's household. It tells of his early rising and late lying down, his private labors and his secret cares, the silent griefs of his soul. Nor was it current rumor and daily news, such as fill the pages of unprivileged correspondents; but it is the earnest, sorrowful defence of the President against the pressure of an annoyance which rests upon his heart—the companionship, namely, of men who were in his way. It is the President himself speaking through this unofficial and irresponsible organ more authentically than he spoke in levées or state papers. It is a direct strenuous effort to enlist public sympathy in his behalf against a Cabinet he could not manfully look in the face.

The author of this letter was a familiar and daily inmate under the President's roof, of free and unquestioned access at all times; having the entry of the private door; a frequenter of the President's board and family circle, and sharing the confidences denied to other men. The journal, too, in which this was published, was the President's special favorite—the only defender he had out of the City of Washington; by his orders the recipient of government emolument and patronage; daily placed upon his table and read, for its flatteries and advocacies, with eager interest. The officers of the Cabinet were well aware of this; could not but meet this paper whenever they went to the President's house. Here was this letter and

others of a kindred stamp ; here was the author of the letter unrebuked,—not only unrebuked but fostered, cultivated, notorious to all Washington for his terms of favor with the household. This letter especially unrebuked—unchallenged,—uncontradicted. How could they remain after this in the Cabinet?—as gentlemen—as honorable men, how could they maintain farther association with the man who committed his cause to a presumptuous underling that dare thus libel them? I protest, I think this letter alone would have justified a rupture. Such an insult could not be offered by an honorable President to honorable Secretaries. It has no parallel in our past history—I hope will never find one in our future.

Mr. Webster, however, thought there was no reason for the resignation of the Secretaries. Well, that is a matter of taste. I am not disposed to dispute it with him. If I were Daniel Webster, I think I should have resigned. Mr. Webster was deceived. He thought, at least, there was no distrust *of him*. Manifestly on the 12th of June his resignation was not in the programme. Even now—we have his own word for it—notwithstanding all that had passed, as late as the 13th of September he had every confidence that the President would co-operate with the Whigs “in overcoming all difficulties.” “It is to the union of the Whig party,” said he, in his letter, “by which I mean the whole Party, *the* Whig President, the Whig Congress, and the Whig People, that I look for a realization of our wishes.”

Mr. Webster was deceived, at least, in this.

Some of the members of the Cabinet were astute enough to see that the President desired to get rid of them, before this time. They resolved, at all hazards, to resign. Every sentiment which could move honorable men revolted at the idea of holding a confidential relation where there was no confidence. They were persuaded by friends to wait a little. It was a current opinion at that day that the Cabinet ought to wait *to be turned out*. That they should not by a *voluntary act* abandon their posts. Many thought otherwise. The majority of the

Cabinet themselves thought otherwise. They delayed but a few days after that letter of the 6th. The Veto came on the 9th, and the pitiful moan for farther time and harmony.

On Saturday, the 11th, the whole Cabinet, except Mr. Webster, resigned. Not because John Tyler vetoed a bank, but because he deceived those who trusted him.

On Monday Mr. Tyler had a new Cabinet ready at his hand—the very men the Herald had announced, almost a month before.

What astonishing fertility of resource! exclaimed the flatterers of the President. What wonderful readiness in selecting men! What self-possession—what promptitude—what decision! ejaculated the Madisonian. A new Cabinet in twenty-four hours! Napoleon at the Bridge of Arcole!

## V.

### ASPIRATION AND INSPIRATION—THE MANIFESTO.

The conduct of Mr. Tyler would seem to be inexplicable by any rule of estimate of human actions. Such laborious wandering out of the way, such intrepidity of indirection, such an “extravagant and erring spirit,” such unprofitable perverseness, how shall we account for them?

Very conclusive is it to us that the fancies which took possession of his mind were not the ordinary whimsies which sometimes beguile weak men from the plain career of duty—but some hallucination rather, that found peculiar sustenance in the President's temperament; that fed upon that Malvolio vanity of his, and derived vigor from that immoderate intoxication of unexpected power which had shaken the balance of his judgment.

To speak of what has passed as “weak, vacillating and faithless,” is almost to use the phrase of amiable apology: such language sounds like palliation of some lamentable madness, which the kindness of friends would conceal even from themselves, by imputing the conduct that suggests it, to some

less shocking though more depraved weakness of nature or infirmity of temper.

There were two letters published just after the Extra Session, which may throw some light on this extraordinary phenomenon. They are letters from members of the House of Representatives ; friends of the President,—one of them a special friend ; both gentlemen of high repute ; worthy of all belief ; in a situation to know ; and eminently capable of inspiring an interest in what they say. These are Mr. Wise and Mr. Ingersoll. The first gentleman representing what was called the Guard, consisting of six members of Congress distinguished for their support of Mr. Tyler ; the second a prominent leader of the Locofocos.

Mr. Ingersoll's letter is remarkable for a scrap of history which it supplies, and for a hint of the source of the President's action which it suggests. Both are sufficiently curious.

“Mr. Tyler”—says this authority,—“is an instrument of overruling Providence, often marvellously snatching this Republic from apparent jeopardy, to rescue it from the calamities of the late overwrought extraordinary session. The chapter of strange accidents conducting him to the Chief Magistracy, *is said to nerve him with a sort of religious belief that he is destined, through higher power, to wonderful instrumentality.* Uncompromising champion of the radical politics of the Virginia Platform, *he stood erect upon it*, almost alone, environed by party adherents *opposed to his principles*, confronting party opponents *sympathizing with those principles* : fearlessly sustained by a small sect of inflexible politicians, unjustly stigmatized as a cabal or kitchen cabinet, *counteracting an official ministry without the President's predilections, if not their antagonists* ; in fact, the cabinet of another, most of whom have just departed this political life after six months of a fitful ephemeral existence.” \*

Mr. Wise's letter contains a suggestion of the same import as the above. Manifestly this idea was afloat in the Presiden-

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\* This letter is dated Washington, Sept. 13, 1841.

tial atmosphere. Had it not its spell? There is something very notable in this shadowing of high influences on the conduct of Mr. Tyler.

Mr. Wise seems to find evidence in the strange elevation of the late Vice-President, of something more than ordinary human vicissitude: almost imputes blasphemy and Atheism to those who regard it as an ordinary human event, or believe it to have come from less than a special interposition of Heaven.

"Providence placed in power a Constitutional Republican," says Mr. Wise.\* "He is called 'His Accidency' by those who could not make a President by design; and by this *scoffing* title the Dictatorship seems to deny a Great First Cause whose Providence overrules human events and the destiny of nations, and to ascribe the death of the lamented Harrison and the succession of the second choice of the people to a blind chance." "This is not the first time *that the stone rejected of the builders has become the chief of the corner.*"

I shudder when I read these words and think of the comparison to which they point.—Could such an idea have got possession of the President's imagination? Then as to the President's friends—the Guard:—"I thought that the Guard around the Constitution might be less than a Corporal's in Congress, but I knew well that politicians were not the people, and that it would prove a host of freedom, and a '*host of God*' in the country."

This letter ends in the same strain.

"The true sovereigns are true to themselves, and there *is* an Overruling Providence as in our fathers' days, and there will be forever, to protect the liberties and reanimate the hopes of the People in this God-favored land. I give you, then, my cordial congratulations, one and all; and, as a perpetual sentiment for all Constitutional Republicans, I reverentially propose to you—*God and the People.*"

I will make no comment on this letter, farther than to express my hope and my belief that it was the inconsiderate effu-

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\* Letter to John B. Colés and others. Nov. 5, 1841.



sion of a heated and disturbed period, when men's minds were too much agitated by passing events to allow the due measuring of phrases. This much I say for the sake of the good-will I bear to the author, who is commended to the Whigs by the *memory* of many valiant blows struck in their cause in *past days*.—I have not forgotten them.

These letters are significant, as they point to the peculiar conceit, which may, perhaps, furnish a key to Mr. Tyler's eccentricities. Mohammed took many liberties on the score of his divine mission, which even he, doubtless, would have regarded as very unbecoming extravagancies in a mere every-day caliph.—Caliph Tyler may have thought his freaks altogether *selon les règles*, upon the same reckoning. Nothing short of some such potent influence as this, may satisfactorily account for the strange things we have witnessed.

The result of this career of the President, during the Extra Session, was the resignation of the Cabinet, as we have before said.

I do not speak for the members of the Cabinet ; I have no warrant from any gentleman, at that day connected with the administration, for what I say—but I speak what was well-known in Washington at the time, that, at least, as regards a portion of the Cabinet, the resignation was reluctantly delayed. It was delayed in deference to the advice of those who still hoped that affairs might take some unforeseen turn favorable to harmony. They resigned, however, at last,—as they have stated in their own published letters, wherein they have given a history of the events to which they were witnesses,—not because the President differed from them on the question of a Bank. They threw up their places because he had forfeited his word, treated them unworthily, and had manifested his hostility to the principles and pledges of the party with whom they were associated, to which he professed to belong, and who had given to him all the consideration and importance incident to his station.

It is wholly untrue—grossly and signally false—that the

rupture with the President was occasioned by umbrage taken at his dissent from a Bank.

It was, in no degree, to be assigned to that simple act. The Whigs, doubtless, would have felt greatly chagrined and mortified at the use of the Veto on such a subject. They had hoped, in the election of General Harrison and Mr. Tyler, that they had put an end to the hazard of that odious exercise of Presidential prerogative, which had become doubly odious in General Jackson's hands. They would, therefore, naturally enough, have felt some annoyance at such an exhibition of this prerogative by an administration of their own making. They would, very probably, have abated much of their respect for the judgment and capacity of Mr. Tyler, upon the promulgation of a doctrine so absurd as that conceit of his regarding the Assent of States. All this they might have felt, and would certainly have greatly deplored. They might have acknowledged they had mistaken the qualities and fitness of Mr. Tyler for his post :—but they would not have quarrelled with him ; even have censured him, for an honest exercise of a conscientious conviction of duty—had such been his conviction.

If he had frankly said that, on this point of the Bank, he felt constrained to differ :—if he had manfully told those around him, and who had an interest in the success of his administration, what he *could not* do, or what he *could* do ; and above all things *had kept his word* : had demeaned himself as an upright, sincere, and earnest magistrate in his high place ; had not treasured up against himself such a store of broken promises ; had not so trifled with the capable and honorable men around him ; had not thrown himself into such suspicious associations ; had not so vibrated between his will to desert, and his fear of the event ; had not so concealed himself from those who had a right to know his sentiments, and so disclosed himself to those who had no right to his confidence—he might have put his Veto upon a Bank—he might have asked and obtained delay—he might have disappointed all that eager hope which prevailed in the country for the settlement of the cur-

rency—hope that he had himself raised in his Inaugural Address, and in his first Message—and yet there would have been no rupture, no resignation, no repulse of the President by the majority of Congress.

Never was there a party placed in such a difficulty before, who showed so earnest a spirit of toleration, concession, and surrender of personal feeling, as the Whigs of Congress on this occasion. His Bank, as it came from the Treasury, was by no means to their liking. They did not like to surrender the broad principles of placing this institution wherever they thought the public interest might suggest ; in deference to the President, they agreed to the District of Columbia. The application to the States for the power to establish branches, under any modification of it, was against all their preconceived notions of Constitutional right : in deference to the President they consented to the compromise : were even willing to take the bill as reported by Mr. Ewing. They readily and cheerfully concurred with the President in his plan of the Exchange Bank, even to the frivolous point of changing the name, and hastened, with the greatest alacrity to pass it, when they thought it would meet his view. They carried their concession to the utmost verge of compliance in every item compatible with the one great purpose—the chief purpose of the session, in the estimate of the nation—the arrangement of the momentous question of the Currency. All was unavailing ; and they saw all fail in a secret intrigue of the President to break up the Whig organization, and, upon its ruins, to lift himself to the Chief Magistracy for a second term.

Feeling this deeply, sorrowing over the event, and indignant at the unworthy evasions and miserable throes of a selfish ambition which they had detected, they could not but disavow all connection with him and his fortunes. They met together in the last moments of the session—such as were at the seat of government, for many had set out for their homes—and published their Manifesto, by which they proclaimed to the nation that, from that day forth, all political alliance be-

tween them and John Tyler was at an end : that from that day “those who had brought the President into power, could no longer, in any manner or degree, be justly held responsible, or blamed for the administration of the Executive branch of the Government.” At the same time acknowledging it to be “the duty of the Whigs in and out of Congress, to give to his official acts and measures fair and full consideration, approving them and co-operating in their support, where they could, and differing from, and opposing any of them, only from a high sense of duty.

There were, it is true, a few Whigs of Congress, who, although concurring in the sentiments of reprobation of the President, felt some reluctance against joining in this public proclamation. The large majority, however, eagerly adopted the measure, as no less due to their own sense of responsibility to the country, than it was to the justification and support of the retiring Cabinet.

Subsequent events have more than vindicated the truth, the justice and the policy of the Manifesto.

## VI.

### THE MANIFESTO.—DANIEL WEBSTER.

The Manifesto was a plain, direct paper that spoke right out, stating the case of the Whigs fully to the country. It told what they had done at the Extra Session : what they had failed to do, and why. It disclosed their observation of the past conduct of Mr. Tyler, and their apprehension of his future ; the withdrawal of his confidence from the Whigs, his affinity with their enemies ; and it announced their entire separation from him. It proclaimed the principles upon which the Whigs would continue, as in past times, to maintain their organization.—At the head of these it placed

“The reduction of the Executive power, by a further limitation of the Veto, so as to secure obedience to the public will, as that shall be expressed by the immediate Representatives

of the People and the States, with no other control than that which is indispensable to arrest hasty or unconstitutional Legislation."

Here was the old war of Privilege and Prerogative revived by the Whigs, against a Chief Magistrate whom *they* had lifted into Power! Sad and bitter fruit of the indiscretion of 1839, which committed so just a cause to so unfit a leader! Strong pledge to the nation of the sincere and faithful attachment of the Whigs to the great principles upon which they were originally embodied!

The Veto had become distinguished in a previous administration for its power of mischief. Mr. Tyler has given it a new character; he has made it ridiculous.

The Manifesto had the full concurrence and actual participation of from sixty to eighty Whig members—being nearly all who were at the seat of Government when it was adopted. With few exceptions, it has received the approbation of every Whig member of the Twenty-seventh Congress.

Whatever doubts may have been felt by any at the time of its promulgation, as to the *expediency* of making it, those doubts quickly vanished before the rapidly-succeeding developments of the Tyler administration. We have been surfeited with proofs of the eminent propriety of that paper.

The only doubt which influenced any member on this subject, at the date of the Manifesto, had respect to the position which Mr. Webster occupied in the Cabinet. If he had retired with his colleagues, the concurrence in the Manifesto would have been unanimous. Whatever modicum of strength Mr. Tyler retained with any portion of the Whig party in the United States, is due to the name and influence of Daniel Webster.

It is not my purpose to censure the Secretary; even to *complain* of what he thought it right for him to do in that emergency. I am not willing to renounce a Whig whose life is so crowned with noble services to the State as the Great Man of Massachusetts. But I could wish that his remaining in the Cabinet had been accompanied with such explanation as his



case admitted :—at least, that it had been accompanied by no censure expressed or implied against his compeers.

There were, undoubtedly, strong public motives to excuse, if not to justify, his temporary maintenance of his post.

The situation of the country, as regards our relations with England, was very critical. Mr. Tyler, and those who were called his peculiar friends, had adopted a tone of exasperation toward England, that was well calculated to defeat a reasonable hope of amicable arrangement of existing difficulties with that nation. The debates of Congress, on the part of these friends, were characterized by an effort to create an artificial sentiment of hostility against that power, at a time when, from the real motives to a quarrel, great judgment and discretion were requisite to save the country from the calamities of war. It was apparent to all who closely observed the temper of the Executive and his allies, that Mr. Tyler counted on making popularity by a war ;—a measure at all times capable of enlisting a certain amount of administration support in the country. The President hoped to prop his sickly acceptance with the people, or,—to speak in phrase more germane to his himself,—to augment his already boundless influence, by a estimate of measure which should flatter the glory-seeking spirit of the nation in furnishing it an occasion for martial broils.

So heady, pernicious and reckless a temper as this, very cogently suggested to Mr. Webster, doubtless, the duty of not abandoning his watch. The incapacity of the administration at a moment so critical ;—not only its incapacity, but the fatal ply of its mind toward an incalculable mischief, may be regarded as presenting a patriotic invocation to one so conscious of his power as the Secretary, to stand his ground and save his country from the rash folly that threatened it.

I give Mr. Webster full credit for a due appreciation of this sentiment. This impression soon became common ; and the Secretary, it may be said, was excused, justified, applauded even for the sacrifice of personal ease he was supposed to

make in holding alliance with the Tyler Cabinet until the ratifications of the Treaty of Washington were exchanged.

In view of this, the Whigs were reconciled to bear the loss they had sustained, in another aspect, from Mr. Webster's refusal to move with his colleagues.

At this point my vindication stops. Every Whig saw with sorrow that, when the ratification of the treaty was complete, Mr. Webster did not resign. With inexpressible pain, every Whig in the land read or heard the speech in Faneuil Hall: saw Mr. Webster go back contentedly to his post: witnessed his consent to the glorification of John Tyler, in conceding to him the honor of having accomplished that happy pacification of two great powers whose collision would have been long deplored as one of the most signal misfortunes in the history of either. Glory to John Tyler the Pacificator! to him who had stimulated every passion of discontent that could embarrass the negotiation: to him who had suffered to pass without rebuke the conduct of the minister at Paris, in attempting to embroil the two countries through a most unwarranted interference in the settlement of the Quintuple Treaty—not only to pass without rebuke, but to meet his approval: to him who has been distinguished, both through his own direct action, and through the officiousness of his son, encouraged by him, for an undignified intermeddling in the domestic affairs of the very nation whose difficulties he presumes to believe *he* settled! Glory to *him* for the Treaty of Washington! And that Mr. Webster is willing to certify to *his* share of the glory! Mr. Webster, whose chief justification for remaining in the Cabinet was that he might counteract and disarm the vanity that could mar, and which, in no contingency, could make what was good!—Who has not seen this with sorrow.

If the Faneuil Hall speech had been what the Whigs of the nation hoped it would be; what those who invited Mr. Webster to that Hall desired it might be; what all the true friends of Mr. Webster thought it could only be—he would

not now have to complain that his attachment to the Whig party was drawn into question.

Still, the Whigs will pardon much to Daniel Webster:—more than to most other men. They will pardon much for the sake of his past history: a history full of glorious remembrances; redolent with the odor of Constitutional Liberty. They will not easily be driven to forget that, in the weary days of their adversity, his firm foot was planted upon their ram-parts, nor withdrawn as long as danger threatened: that in the murky night when the enemy was creeping toward our Citadel, he stood faithfully upon guard, with a constancy that “out-watched the Bear:” that in the assault his voice of exhortation rang like a clarion: that in the *mêlée* his stalwart form rode on the tide of battle where the heaviest blows were struck; and whether the issue were defeat or victory they were ever accustomed to find him at hand ready to console or applaud. While such recollections cluster around his name, the Whigs will forgive much to Cœur de Lion—forget much.

They know his dogged, moody temper; his intractable self-will; his fretful waywardness. They have often seen these scowling on his broad brow, and flashing in the awakened fire of his eye:—seen them often, not without a sigh. But they know that his faults are not the faults of a temper which deals in dissimulation or meditates over schemes of treachery: the faults, rather of a mind that will not brook delay, which has not trained itself to patience, which thinks of its hopes “not wisely, but too well.”

They will yet pardon much to Daniel Webster.

## VII.

### JUSTICE TO JOHN TYLER.

From the date of the Manifesto we have but little concern to speak of Mr. Tyler. His career, from that period, has been a persevering retrograde upon the path of his duty. It is marked by flagrant dereliction of faith to his formerly pro-

fessed principles, and by successive compliances to an enemy whom no excess of infidelity has yet been able to win.

He who dwelt in such pitiful accents, in his last Veto Message, upon the cordiality with which he had sanctioned all the Whig measures but one, has systematically devoted himself, ever since the close of the Extra Session, to the wretched endeavor of breaking up the party who made him what he is, and of conciliating those who opposed his election, by the surrender of those measures, and with them of every pledge upon which he came into power.

His friends, with his concurrence, at the next session of Congress, presented in his behalf two schemes for regulating the currency. The one was a National Bank, to be solely owned and conducted by the Government ; the other was the exploded Sub-Treasury system. He who had shown such sensitive constitutional scruple against a Bank which, for forty years, had received the sanction of every authority in this government, suddenly, in the depths of his perplexity, became the patron of the only true "Monster this nation has ever seen—a Bank of Exchange, a Bank of Discount, a Bank *per se*, belonging alone to the Government, without the vestige of a pretext of its being either "necessary or proper."—A scheme which could not gain one poor vote in either House to do it honor. He who had been so emphatic in denouncing the Sub-Treasury, suddenly, in the depths of his perplexity, was willing that his friends should stake his hopes upon this same measure disguised with a few extra faculties of dealing in exchange. And between these projects, wide as the poles asunder, lying on the extremest verge of the circle of ultra political opinions, the President vibrated like a pendulum, driven by opposing hands, as if in sport to show how light a touch could sway the motions of such a toy.

He who had made the Distribution of the proceeds of the public lands a cardinal measure in his Message ;—who was even willing to bind them up in a Bank capital ; who had witnessed, at the Extra Session, the unhappy restriction, which

necessity compelled the Whigs to submit to, in the limitation put upon that distribution by the Anti-Tariff party,—witnessed it, we must suppose, with regret, if his professions in favor of the distribution were to be believed—now, at the second session, applied his veto to prevent the repeal of the restriction.\*

He who had professed to be friendly to a Protective Tariff, now refused his assent to a bill which was designed merely to continue the existing duties for one month, in order that time might be obtained to mature a permanent bill upon the subject: this for no better motive, that we can ascribe to it, than to furnish a proof of his complacency to a party who have shown as little respect for him as they have shown of favor to the Tariff or the Distribution.

He who had so ostentatiously inveighed against the corrupt use of Executive Patronage; who had uttered such an emphatic censure against the sin of office-holders inter-

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\* The purport of the restriction introduced into the land Bill was that the distribution should not take effect if the duties were raised above twenty per cent. This limitation was forced upon the bill by its enemies, aided by the vote of a few Southern Whigs opposed to the Tariff. The bill was taken, with this restriction, by the Whigs at large, rather than lose it; with a determination, on their part, expressed in debate, to repeal the limitation whenever they had the power. The argument was that the same vote which could raise the Tariff above twenty per cent., would be sufficient to repeal the restriction. It was regarded as a device of the enemy, and submitted to only under the compulsion of circumstances. Mr. Tyler, who had recommended the Distribution *as an act of Justice* to the States, for whom, he affirmed, the Government was but a Trustee (see his Message, June, 1841), had originally as little expectation of the restriction, and, before his desertion, would have had as little relish for it, as any Whig in Congress. After his desertion, he recommended the Repeal of the Distribution, March 25, 1842, upon the ground that when he prepared his Message for the Extra Session, he urged the Distribution *in view of an anticipated Surplus Revenue!*—*A Surplus Revenue anticipated in June, 1841!*—In fact, one of the arguments of his Message was that the Distribution would be a saving to the Government to the full amount, in relieving it from sundry “appropriations to domestic objects.”



meddling in the political field; who had even enacted the farce of issuing a special circular of warning, from the State department, against all offenders in such wise; who had invoked Congress to take this matter in hand and put some qualification on the removal of officers\*—he it was who subsequently drove Jonathan Roberts from the collectorship of Philadelphia, because he would not remove some twenty or more of the subordinates in the Custom House under his charge, for no better reason than that they were suspected of being Whigs, and place in their stations as many supple minions of the Executive. In following up the same corrupt purpose, he removed Gen. Van Rensselaer from the Post Office at Albany, and, subsequently, many of the most approved, effective and honorable officers of the Government from stations of high trust, to make way for that wretched crew of parasites who render to his vanity a coarse and acceptable flattery, by their assiduous conversancy with all the low schemes of political traffic which may sustain the absurd hope he ventures to indulge of a second term.

I pass by the countless freaks which his inane ambition, in other ways, has encouraged him to practice upon the for-

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\* The following passage occurs in his Message of December, 1842—"I feel it my duty to bring under your consideration a practice which has grown up in the administration of the Government, and which I am deeply convinced ought to be corrected. I allude to the exercise of the power which usage, rather than reason, has invested in the President of removing incumbents from office in order to substitute others more in favor with the dominant party. My own conduct, in this respect, has been governed by a conscientious purpose to exercise the removing power only in cases of unfaithfulness or inability, or in those in which its exercise appeared necessary, in order to discountenance and suppress that spirit of active partisanship on the part of holders of office, which not only withdraws them from the steady and impartial discharge of their official duties, but exerts an undue and injurious influence over elections and degrades the character of the Government itself, inasmuch as it exhibits the Chief Magistrate as using a party, through his agents, to the secret plots or open workings of political parties."

bearance of the nation : his seditious attempt to foment discord by the extraordinary and unconstitutional measure of recording, in the State Department, his objections to the single district clauses of the Apportionment Bill,—the wisest and most equitable enactments of the Twenty-seventh Congress : his Protest against the Proceedings of the House of Representatives on his Veto of the Tariff Bill : his refusal to impart information in reference to the Cherokee frauds, upon the requisition of Congress ;—I pass these and other caprices not less conspicuous, and consign them, without comment, to that judgment which they have received from all intelligent men. My purpose is not to follow Mr. Tyler beyond the confines of those delinquencies which have prevented the Whig party from redeeming the promises of 1840. I have no desire to pursue him in that devious flight which carried him at last to the bosom of his old adversaries,—and from which he has been buffeted away, with the contumely that ever awaits a leader in command who is insensible to the peculiar disgrace of deserting his colors in the moment of trial.

There is poetical justice in his fate. He has fallen the victim to his own easy virtue. They who first seduced him have affected to cast him off, as tainted, spoiled of name and fame—alas !—

“ Too soon made happy and too late made wise ! ”

He now remains an object not less avoided by many friends he has deceived, than by the enemies upon whom he fawned. Not even his preposterous imaginations of power and influence—“ of popularity second only to that of Washington,” as his flatterers were wont to say—not even these supply him now with one residuary hope or topic of consolation. The fly upon the wheel, that, but yesterday, deemed its swift revolution the product of his impulse, finds to-day his utter want of weight to turn it. He who was but lately the Merry Andrew of the farce, and took to himself all the applause which other actors on the stage had won ; who was so practiced in harlequinade and found

so much to exalt his self-esteem in the rapidity, if not the dexterity of his changes,—he has come to the conviction how lamentably forlorn a puppet President may be, whose demerits are unvarnished with the skill to render Official Power respectable even to that small troop who feed upon its favors. The office-holders themselves are deserting him! That conscience, which was the first instrument of his jugglery, now haunts him like a fiend upon his path: he can advance to no friendly shelter, and yet he dares not turn back, or look behind:

“Like one who on a lonesome road  
Doth walk in fear and dread,  
And having once turned round—walks on  
And turns no more his head,  
Because he knows a frightful fiend  
Doth close behind him tread.”

I should not have dwelt so much upon the topics presented in the history of that brief interval between the accession of Mr. Tyler to the Presidency and the date of the Manifesto, if it were not that this history became important in answer to the question—Why have the Whigs failed to perform *all* their promises? why have they not rescued the country from the tyranny of the Veto? why not secured the Legislative Privilege against the encroachment of Executive Prerogative? why not established the single term; restrained the corrupt use of Patronage; settled the question of the Currency; distributed the proceeds of the Public Lands?

These questions are answered in the review I have given. But for them the administration of Mr. Tyler might have been passed over as a blank—as a Parenthesis,—to use the phrase of a speaker in the House. It has no significance in the nation. It furnishes no precedent: it will never be remembered as an example. It is the holyday of the Abbot of Unreason with its thousand follies,—its mummeries and morrice-dances. We shall never have the like of it again.

After all, it is not without instruction. We require a beacon to show us what to shun, as well as a guide to teach us

what to pursue. In this point of view, Mr. Tyler's administration will have a place in history. It will teach the people never again to neglect the question of the Vice-Presidency. It may even warn them against placing incompetent men in any public station. If it does so, then the administration of Mr. Tyler may be considered a benefaction. Thus we find a moral in so great an evil as this.

His few partisans in the nation are clamorous in demanding Justice to John Tyler. Justice, assuredly, he will obtain from the pen of History.

It will represent him as a President accidentally brought into power, who, while the sudden honors of his station were yet new, manifested a heart full of gratitude to his friends, and replete with good resolutions to serve the great public interests which had combined to place him where he was. It will describe him as vainglorious, weak and accessible to any extravagance of flattery ; of a jealousy quickly provoked by the ascendancy of superior minds, and nervously sensitive against the suspicion of being under their influence. That, from the fear of such an imputation, he had thrown himself into evil associations, and surrounded himself with private, irresponsible counsellors, who, neither by station or capacity, were entitled to give him advice, and who fatally drove him into an open rupture with those whom it should have been his pride to call friends.

Variable and infirm of purpose, he will be exhibited as ever halting between opposite opinions. Anxious to impress the world with a reputation for inflexibility, he will be shown to be, in fact, without a judgment of his own, and resolute only in avoiding that obvious road, which, with least embarrassment to himself, and least difficulty in the selection, it was his plainest duty to pursue. It will be truly said of him that it cost him more trouble to find the wrong way, than ordinarily perplexes other men to discern the right. That, in seeking excuses to differ from his friends, and gratify his enemies, he was perpetually shifting from one awkward and difficult de-

vice to another, without the least attention even to the appearance of consistency, until he succeeded, at length, in alienating from his society, every man whose support he should have desired ; at the same time embittering the separation with an unhappy distrust of his fidelity to those principles to which he was bound by plighted honor. That while he was ever changing his ground, conceding, retracting, affirming, denying, his concessions were made without sincerity, his retractions without excuse, and his conduct in all, distinguished for its want of dignity. That, with a fair, though moderate reputation for capacity, before he came to the Presidency, he lost this in the first few months of his service ; disappointed the hopes of his friends ; raised his enemies from the despondency of recent defeat, into the highest tones of exultation, and diffused through all ranks of the community an opinion of his want of fitness for the high station to which he had been called. That emphatically the accident of an accident, without popularity, without a mind to conceive, or a heart to execute great undertakings he had chosen a position of intense responsibility and universal observation, and committed himself to a hazard, which even the wisest and boldest might contemplate with apprehension.

I do not say he has intentionally done all the mischief which has resulted from his course. I am not willing to impute to him such depravity. He is said to be, in private life, amiable, hospitable and courteous ; but he is not the first man known to history who has presented the anomaly of blameless private life, exhibiting on the stage of public affairs, a want of political integrity. Perhaps he may be relieved from some of the imputed excess of this delinquency, by ascribing his errors somewhat to a want of judgment, to an exorbitant vanity, and to the influence of bad advice : That he lacked the quality of attaching to him such friends as were indispensable to his position, and therefore, had none of that kind. It is the calamity of high place, that it stands most in need of that counsel which it is most apt to repel.



We may say of this President what Milton has said of another unhappy ruler, whose melancholy fate furnishes the most awful example on record of the danger in a Chief Magistrate violating his promises to the people,—“that, for the most part, he followed the worser counsels, and almost always, of the worser men.”

I do not profess to know who were his advisers. I only know that those whom public duty had placed around him, and who were eminently worthy of all trust, did not enjoy his confidence. While the press was full of annunciations, in advance, of his intentions, his Cabinet was generally ignorant of his views, or remarkably deceived in regard to them, on the greatest measure brought to the notice of his administration.

In the vain hope, it is believed, of raising up a third party, he came in direct collision with a majority of the nation; and, by his conduct, heightened the common feeling of disappointment into the stronger emotion of indignation, provoked, in those who elected him, by a doubt which every one felt it painful to utter. The result was that irrevocable renunciation of him proclaimed in The Manifesto.

### VIII.

#### THE TWENTY-SEVENTH CONGRESS.

During the Extra Session,—until that period when it became the President's cue in the play he had proposed to himself, to break with the Whigs,—the administration organ was full of commendation of the activity with which Congress was answering the expectations of the country.\*

At the next session, a different game was found necessary. A systematic and incessant vituperation of the proceedings of Congress, became a conspicuous device in the tactics of the Administration. The Legislature was daily assailed with every species of slander. No effort was spared to lessen it in the esteem of the nation. Detraction and falsehood did their

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\* “The House of Representatives is nobly responding to the popular voice.”—*Madisonian*, July 22, 1841.

worst to spread abroad an opinion that the majority of the Representatives of the people were faithless to their duty, because they could not receive their lesson from the Executive ; —because they could not obey the dictation of a power that had already abandoned its trust, and forfeited all claim to their confidence. They were charged with a factious spirit, when they stood firm in their endeavor to redeem the pledges they had given to the nation ; and were aspersed with the accusation of being engaged in “ President-making,” when they refused to co-operate in the absurd and frivolous scheme of glorifying John Tyler, with a view to a second term. For this contumacy, war was waged against the majority of both Houses, by the Executive and his allies.

The most preposterous and odious claims of Presidential prerogative,—such as the country had witnessed in the worst days of the Jackson administration—were revived ; new claims, even, added. The Legislature was assailed directly by the President himself, as trifling with the public welfare, and mispending its time over “ petty schemes of hatred or ambition,” instead of devoting it to “ measures designed for general relief.” \*

The reproof of Congress, thus beginning with the President, was echoed from every servile press in his interest. It was repeated by every obsequious flatterer who had a motive to prove his fealty to the dispenser of Government patronage. It became the theme of the thousand daily tirades by which the minions of the Executive throughout the land, lent their assistance to degrade the Representative body in the view of the people, and, in its degradation, to assail the representative principle itself. This, because the majority of Congress could not agree to receive their bills from the hand of the President, —their opinions from his suggestion !

The President, indeed, in no ambiguous terms, asserted the right to initiate acts of Legislation, and assumed to rebuke Congress for disregarding his recommendations ; made a dis-

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\* Letter of John Tyler to Joseph Graham, June 4, 1842.

play of what he had promulgated as *his* views,—what *he* would assent to and what *he* would not ; and claimed, in emphatic language, to be an integral, co-ordinate branch of the Legislature, affirming that the Constitution had given him, “for wise purposes, an active agency in all Legislation.”\*

I have no purpose to say more than I have already said on the right of a President of the United States to control the action of the law-making power ; nor to comment upon either the propriety or the dignity of his animadversions in private letters, prepared for publication,—or in any other manner, official or unofficial,—against the members of the Legislative body for what transpires in the Legislative Halls. Much less am I inclined to expatiate upon that claim which purports to make him a part of the Legislature, and to confer upon him the right to “an active agency” in its proceedings. These claims, after the signal denunciation which they have received from the master minds of the nation ; after the stern judgment pronounced against them by the people ; after the contempt with which they have been treated by Congress, need no farther sentence of condemnation. I dismiss them with the remark that they are utterly repugnant to all Whig doctrine, at least : abhorrent to all Whig practice : renounced and repelled as assumptions hostile not only to the principles of our government, but of all free representative government. They cannot subsist with the notion of an independent Legislature ; are incompatible with the spirit of that elemental principle of Parliamentary Privilege which secures every representative from being questioned for what is uttered in debate. They are made in the tone and the temper of those pretensions of the Stuarts in English history, which brought about that famous recalcitration of the patriots of England who first defined and established the Liberty of Parliament, originated the Whig party, and won the triumph of 1688.

The old political adversaries of the Whigs, finding in these

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\* See his letter to Messrs. Harris and others of Philadelphia, July 2, 1842.

clamors against Congress, something that might be turned to account for themselves, joined in the scheme of vituperation ; did all in their power to embarrass the proceedings of the majority, to foment the President's quarrel, to stimulate his vanity toward new aggressions, and to spread complaint among the people. They, the pretended Democracy of the nation, faithful to their original instincts, were busy to second and encourage the laudable design of the Executive in trenching upon and denouncing the popular Privilege as it existed in the independence of the Legislature. Truly, they were again on their old track !

Many good persons, at last, were brought to believe that Congress was actually chargeable with the sins which its original calumniator had laid at its door. This pertinacity of ceaseless imputation, which in general seldom fails to secure some degree of credence to any calumny, wrought upon the belief of many credulous minds who were not naturally unfriendly to the Whigs. The whole responsibility for whatever was charged against Congress, of course, fell upon the majority. The minority, by joining in the aspersion, went scot free—not only scot free, but found it a weapon to wound their adversaries. They played their part with great dexterity on the floor of Congress ; uttered many pitiful, sanctimonious exclamations of horror at the sin of wasting the precious time, and still more precious money of the people, in the unpardonable enterprise of President-making,—in the shocking neglect of Presidential advice,—in the contumacious censure of Executive usurpation ! They affected to find another topic of invective in the rules which the majority had adopted for the despatch of business ; rules without which, amid these ceaseless efforts to impede the course of legislation, the majority could have done nothing. That golden “hour rule” especially,—the greatest improvement of our day, almost the essential condition upon which a numerous House of Representatives is rendered a practical body—was denounced with singular virulence and spleen, as a gag upon the constitutional freedom of

debate. The people were said to be deprived of grave, fundamental rights, because the "weak, washy, everlasting flood" of parliamentary egotism was pent up within the confines which good sense, for the most part, voluntarily prescribes to itself. It is pleasant to perceive that, notwithstanding all the exaggerations which party eloquence has indulged against this rule, the country has failed to be convinced that the restraint it has placed upon the vice of overtalking in Congress is not founded upon a wise experience. The querulous declamation of its opponents has found no sympathetic answer among the people ; and we may venture to foretell that this "hour rule," of the Twenty-seventh Congress will be preserved as long as the prurient appetite of inane discourse shall be reckoned among the maladies of our Logocracy : it will be valued for the equal rights which it confers upon the effective business man of Congress and the importunate and active babbler who finds enjoyment in listening to the incessant cataract of his own voice.

Notwithstanding all that was said, and at one time partially believed, to the detriment of the Twenty-seventh Congress, it is singularly true, that, from the commencement of the Government to the present day, there has never been assembled a National Legislature whose assiduity, within the appropriate range of its business, has been entitled to higher praise ; none which has wrought more effectively ; done so much. In the face of every impediment which a hostile Executive and a talented, mischief-making opposition could throw in its way, it has accomplished great and permanent good to the country. It came to its task at a period when the public affairs were in a state of unexampled adversity—shattered and disjointed by a long system of improvidence : it found not only an empty treasury, but the sources of revenue shut up ; and a determined and fierce spirit of opposition arrayed against any attempt to open them ; it found the people laboring under the pressure of an almost universal bankruptcy ; it found speculation and abuse in every department of public administration ; it found



the results of a thriftless prodigality in a heavy national debt, disguised and aggravated by issues of irredeemable government paper. Even under the most auspicious circumstances of harmonious co-operation from an able and faithful Executive, with every thing from that source to aid and nothing to embarrass, the difficulties of its position would have been such as the steadiest nerve and most skilful experience might have shrunk from without disgrace ; but the darkness of its hour was increased by that extraordinary mischance which cast upon it an Executive without the will to assist, without the ability to do good,—with nothing to distinguish it, in fact, but its perverse power and purpose to do evil.

It was in the midst of such embarrassments that the Twenty-seventh Congress set about its work. With a constancy of patriotic effort never surpassed in our history, it maintained its faith through every trial, steadfastly pursued its aims with a most intelligent sense of its duty, and brought back the country to as high and palmy a state of prosperity as the faculties with which it was invested under the Constitution and not wrested from it by the Executive, allowed. If it failed to accomplish all that it desired and had proposed, the fault of this failure is not to be found either in its want of skill to plan or of labor to accomplish. The record of what was *undone* after the Legislature had done its work, and of what was frustrated after it was prepared, will supply a sufficiently plain account of that failure.

The enormous expenditure of the preceding administration has been reduced to little more than half its average annual amount ; gross abuses, which had heretofore grown up under the neglect or connivance of former Legislatures, have been fully explored and divulged ; speculation and fraud have been arrested ; the revenues have been restored ; collisions with foreign powers guarded against in future ; bankruptcy has been released from its deadly burden, and thousands of useful citizens have been recalled to active enterprise ; commerce has been put under every protection of law and restored to its

ancient vigor ; mechanical industry has been sent back, cheerful and happy, to its deserted field ; agriculture, the foundation of the great mass of national wealth, has been encouraged to a renewed labor, by the gift of a thriving and prosperous market at home ; the great and invaluable principle of a District Representation—the safest and best guarantee which our government can offer of its faith to maintain the most precious right of Republican government, the protection, namely, of the minority by giving them their proper voice in the National Council,—has been secured, as far as the Twenty-seventh Congress could secure it by law. All these have been accomplished. If the currency has not been settled ; if the States have been deprived of their just inheritance in the public lands ; if the district principle has not been effectually established, let the nation ask of Mr. Tyler and his new Democratic allies why these measures have not been secured.

What was achieved will long be remembered to the honor of the Whig ascendancy. The labors of the Twenty-seventh Congress will not be lost. For years to come the investigations, reports, plans and propositions of that Congress will furnish sure guides and aids to beneficent legislation in all the great departments of the public interest.

It has been one of the subjects of outcry raised against that Congress by its enemies, that it strove to carry its points by a Caucus : that it was under the domination of a Caucus dictatorship.

The point of this accusation is neither more nor less than that the Whigs met together for the purpose of adjusting their measures, before they presented them in the ordinary forms of legislation. This, in regard to many important measures, is true. It is not true, perhaps, as fully as it ought to have been. Under any circumstances, it is but a wise and useful practice for those having the responsibility and the control of legislation, to meet frequently together with a view to successful and efficient action. But in the peculiar position of the Whigs of the Twenty-seventh Congress ; with all the difficulties of the

public affairs before them : holding such relations as they held to the Executive ; opposed, as they were, by a dexterous party who had no principle of conduct but opposition to all and every Whig measure,—if this duty of consultation had been avoided or neglected by the majority, they would have been justly liable to whatever censure might attach to their want of success. They would have been regardless of their most obvious duty to the country.

As a ground of serious accusation, this attempt to excite hostility is merely ridiculous, and has therefore failed of its aim. It is worthy of notice only, from the stress laid upon it by the President, and by his new Democratic friends, while the latter had a motive to flatter him. We may regard it as an abortive attempt to create a false odium, by the trick of an imputation which really had nothing odious in it, but which,—in accordance with the estimate of the intelligence of the people, familiar to the new-fangled, counterfeit Democracy of late days,—it was conceived very practicable to impose upon the public credulity as a heinous offence.—No party has ever practiced the Caucus discipline under more truly exceptionable conditions than those purists themselves : no party has ever carried it to the same length of denunciation against individual dissent and of proscription. While the Whigs of the Twenty-seventh Congress resorted to private consultation to mature their course of proceeding, with a view to the attainment of the greatest good to the country, in the alleviation of the public distress, their adversaries were no less diligently assembled in frequent caucus, to devise plans to thwart, obstruct and destroy. The malignant joy with which they contemplated each new embarrassment that arose ; with which they cheered on the President to every act of obstruction ; with which they lent their aid to defeat every valuable measure ; and with which they lifted up the loud voice of exultation upon the accomplishment of any signal mischief, or the discomfiture of any signal good, will long be remembered against them in the future political contests of the people, and will

swell the measure of retribution against them in that day of reckoning which is certainly at hand.

Again, we bide our time.

## IX

### THE NEW DEMOCRACY.—THE DICTATOR.—THE ARRAY OF 1844.

I have heretofore descanted, somewhat at large, upon the character and aims of the two great parties which divide the nation. The Whigs, I have shown, from their first organization up to the present moment, as standing upon the foundation of well-defined and well-understood principles of the deepest import both in the structure of our government and in the course of its administration. Their opponents—those who now call themselves the Democracy—I have presented as a party compacted, so far as regards either their principles or their measures, of incongruous fragments, exhibiting the most opposite and heterogeneous views, and associated only upon personal predilections and interests: That this party was, in fact, originally organized upon the popularity of General Jackson; was composed of Federalists and Democrats,—Federalists making war against the old Democratic ascendancy;—Democrats renouncing the ancient landmarks of the party, and prepared to sanction any amount of Federal infusion into the policy of the administration; That, combined of these elements, it adopted and promulgated every variety of political sentiment which had ever been developed in the country. It pretended to no consistency of doctrine, but invariably studied the humor of the day, and espoused and discarded the most opposite and conflicting opinions, without even thinking it worth while to offer an excuse for its singular aberrations. It has alternately, during the term of its existence, advocated and rejected every great measure of policy which has been agitated in the public councils. In the beginning of its career, it proposed the Single term, a na-

tional Government Bank, a protective Tariff, the distribution of the Surplus revenue, the surrender of the Public Lands, the limitation of Executive Patronage. In its progress it renounced every one of these measures. It has come, at last, to present the union of the most extraordinary political elements any country ever witnessed. They who were the authors of the Force Bill and the Proclamation are now ready to take for their President the Chief of Nullification,—he whom it was the object of the Force Bill and the Proclamation to reward with a halter ; whom many of them were even anxious to visit with that distinction. They who were willing to sever the Union rather than submit to a protective Tariff, are now ready to abide the decree of a Convention which shall endeavor to place the Chief Magistracy in the hands of him who voted for the Tariff of 1828. They who supported General Jackson's recommendation in favor of a National Bank founded on the Revenues of the Government, claim the honors of supreme dominion upon their constitutional antipathy to a Bank in any form whatever. They who denounced the Sub-Treasury as "disorganizing and revolutionary," now commend it as a second Declaration of Independence.

• It were useless to go through the catalogue. No imaginable freak of political ambidexterity that may be alleged, would more than excite a smile from a party which has not such intrepidity of dissimulation as to talk of its consistency. They who could consent to be driven into the fold and there unresistingly to await the lot which should consign them to the portion of Mr. Calhoun or Mr. Van Buren, just as the *legerdemain* of a caucus of politicians should dispose of them, are surely proof against all raillery on their political virtue.

The party was personal merely. Springing out of the renown of a Great Chief, and living by his will and on his breath, it will come to its dissolution even before he who founded it shall pay the debt of nature. As long as his influence was rife, it possessed the vigor which belonged to his character. As that influence wanes, in retirement and with advancing



years that find subjects more congenial than the mean game of worldly ambition, the party gradually becomes shorn of its strength ;—hastens to that inevitable doom to which discord and rival hate have, in all ages, consigned parties and communities that have “no other principle of cohesion than the hope of plunder.”—Not all the glory that encircled Charlemagne and his Paladins could save the dominion to his envious and quarrelsome successors. That most notable disaster of Fontenay,—where, say the historians, perished the whole force which had so often turned back the tide of Saxon war—occurred in the *second* reign after the emperor. It was the fatal result of an embroilment between *three* brothers, grandsons of the Western Cæsar, brawling for the empire. The vast domain of Charlemagne sunk into a petty province. The story is not without its moral. Another Fontenay is at hand.

The gravest charge which we have now to make against this strange Democracy is the supple support they have given to the present administration ;—an administration they have lured to its ruin. They have extracted from it all the patronage it is able to bestow. As the price of this compliance; they gave it prompt encouragement in the worst acts of its malice against the Whigs ; affected to applaud it for its treachery and to praise it for its vices. They have, through such means, succeeded in incorporating that administration in their party ; have made themselves responsible for its misdemeanors. They must answer this responsibility to the country. They would, now, “cast it, like a worthless weed, away,” hoping in this tardy repudiation to escape the censure of their illicit intercourse. They may assume to deny it farther participation in their favors, now that it has nothing more to grant. But it is too late. They will not be allowed to shake off the connection merely because it ceases to be profitable. They have taken Mr. Tyler “for better,” they must also hold to him “for worse,” and abide the censure of the nation, not only for the mischief they have helped to do, but for having made an im-

pure alliance for the sake of gain : for the hypocrisy and libertinism that have marked their whole career of seduction.

As to Mr. Tyler, our quarrel with him has lost all its significance in his feebleness. But as to the New Democracy, our motives to contest are even whetted and rendered more keen by the injury they have sought to inflict upon us, in tampering with the President's weakness, inflaming his hate and encouraging his apostasy,—conduct less pursued from any hope of benefit to them, than from a meditated design of evil to our cause. In this we have strong motive to renewed hostility, the effect of which will be felt when we take the field. The country, if we are not deceived, will resent this recklessness to the public welfare, and will not hold a party excused whose zeal to destroy had led it to forget its more obvious duty of preserving what is good.

Our quarrel, therefore, is with Locofocoism,—not with Mr. Tyler. If we had no other griefs to complain of than his desertion ; if no enemy but him, we should congratulate ourselves upon the riddance of a man who never had the faculty to do us service, and whose alienation was to be accounted but a fortunate event. We should merely have preserved silence.

But we pay our adversaries the compliment to say, that, as yet, their organization, their numbers, their purposes, their means of warfare,—more than these,—the assiduity and the craft of their misrepresentations, furnish cogent argument why we should make our case understood ; furnish the most authoritative reasons why we should write and publish *A DEFENCE OF THE WHIGS*.

The time is nearly come when we shall raise our banner in another Presidential contest. We shall take care that there be no mistake in our men. In part, it may be said, we have already taken care of that. The Whigs, with one consent ; with a unanimity, almost without parallel in history, have turned their eyes to one man in this nation who will, assuredly, if Providence spares him for the contest, be the Leader of

our Host.—Even he The Dictator,—the great Champion of Constitutional right,—the personation of every public Virtue,—genuine image of the Whig Sentiment—THE MAN OF THE UNION,—HENRY CLAY, will lead our Host. To him the hand of the general Whig Party points, as to our Cynosure: Hand guided by the Heart of every Whig of the Land.

Our adversaries, in reproach, call him THE DICTATOR. We take the word, and will turn their reproach to honor.—Happy is it for that nation that holds within its confines one man, in whose sagacity and pure purpose there is such pervading faith that his counsel shall acquire the authority of a dictator; toward whom such general trust abounds, that the volunteer public deference shall receive his advice as a parental command! Glorious reward of stainless patriotism! Happy homage to Wisdom and Virtue!—Dictator, such as this, the Country once had—but once.

What more enviable chaplet can be woven for man's brow than such a testimony? That Henry Clay, a private tiller of the soil; unostentatious citizen; with no official power; all the power of the Executive government,—the Gift-giving power—arrayed against him; simply attired in his own virtues, illustrated only by his deeds—should thus sway the affections of the Republic, thus move “the wilderness of free minds!”—What richer memorial of a patriot's worth than this?

Would that our fortunate Commonwealth may never find other Dictator than such as he!—had never found other!

Illustrious living inheritance is ours in such a man. Auspicious is it for the Whig party that with such prompt and generous accord, we fix our thoughts upon him. That of the thousands worthy, none may stand in rivalry with him, worthiest of all.

It were a small labor to write his vindication against the calumnies of enemies. They but prove how much he is loved, how much feared. If nothing were said against him, his fame would want one testimonial to his eminent worth. It would leave him under the suspicion of a tame mediocrity which, less

than of any man in this Union, is his. Standing, as he does, before the world, an impersonation of the principles of the Whig party, he shares with them the enmity of many foes :—perhaps, it would be more just to say, opposition of adversaries, rather than enmity ; for there is admitted to be a frank and generous gallantry in his nature which, for the most part, disarms political hostility of personal ill-will, and extorts from those who are arrayed in adverse ranks, a liberal confession of respect ; even nurses a secret wish,—and indeed often prompts the open expression of it,—that, party difference aside, his companionship were theirs.

Still he has foes,—foes to his fame and name. We must look for these, chiefly, in the purlieus of the White House. There, his great sin would seem to be, that he could not surrender his convictions of duty at the footstool of power. If he could have consented to offer the incense of flattery there, and joined with those who sought to break up the Whig party for the sake of elevating themselves, we should, perhaps, have heard nothing of a Dictatorship ; but only praises to the man whose flexible conscience could have been turned to such profitable account.

Mr. Clay presents, as guardian of his faith, the glory of a life of eminent desert—desert dearer to him than all renown. In this, the evening of his days, he looks back from an eminence, far more exalted than any official station, upon a brilliant career of usefulness to his country, rendered more brilliant by great talents guided by the utmost purity of motive and consistency of purpose to the promotion of national happiness. In that retrospect he finds only ever fresh incentives to persevere in the course he has pursued. His life is an epic of grand achievements which have never been tarnished by servility of opinion to any man however distinguished. Few could have meditated such an insult to his fame as to expect that he would forfeit his title to this praise for the sake of conciliating the favor or averting the malevolence of John Tyler.

His offence is that he misapprehended the character of the

man whom the Constitution has intrusted with the Veto, and deemed it impossible that the President could do that which the public welfare, the public opinion and his own declarations had authorized the country to believe he would not do. It is that he preferred to adhere to his faith rather than bend to the purpose of a versatile Chief Magistrate whom no man could believe because no man could find him twice in the same opinion; who, in the intoxication of sudden preferment, fancied himself clothed with a heavenly mission, of which the chief purpose, as far as we can gather it from his acts, was to disband and discard his first friends and prolong his unhappy power, through the aid of new combinations which were not possible consistently with any theory of fidelity to the trust implied in his election.

For these offences, chiefly, has Mr. Clay been denounced. The denunciation will scarcely ruffle the serenity of his temper. He yet survives, tranquil in the privacy of Ashland, where each hour of his life brings him more content than a whole century of mawkish sycophancy which trails after the King of Shreds and Patches in the White House.

Among all other classes of political adversaries Mr. Clay is treated as a generous opponent. No one imputes to him concealment of opinion, evasion of the full responsibility of his position, or ambiguity in relation to any public measure. There needs no proclamation to announce the exact issue put in controversy, when Mr. Clay's name is inscribed upon our flag. In those letters will be read the whole Whig formula of doctrine. Go back to 1816 and follow his ample history up from that day,—then say if he has retracted one sentiment of public duty, renounced one matured opinion of what is necessary to the public good. While the tide of changing events has swept the most conspicuous of his adversaries along its heady current into every latitude of doctrine, it has swept by him, fast anchored on the rock of his political faith, and finds him, to-day, the same champion of popular right that it found him when he stood by Mr. Madison the sturdiest of his sup-



ports. They call him a Federalist. Even the ancient Priests of that Faith, now refulgent in the robes of the New Democracy, brand him with that epithet, as the most poignant opprobrium they can heap upon his name. We may truly say, Mr. Clay's democracy is not of the complexion which they profess. But it is the democracy of him they hated most when living, they most affect to praise when dead,—the Democracy of Madison.—Such is the Democracy of the Whigs.

It is an unprofitable contention which dwells merely upon names. We may permit our opponents to assume what disguise, in this sort, may best answer the stratagem of their war. We look to things rather than to this bawble of a name. In the hope to secure a fundamental good to present and future generations, by curbing the pernicious extravagance of Executive authority, pushed, as by late precedent it has been, to the unwholesome verge of monarchical power ; by giving its appropriate scope to the Representative principle ; and, above all, by securing the Will of the People, expressed in their Legislature, against the caprices of Presidents or the faction of Parties, —we resume our array and throw ourselves upon the arbitrament of the Nation. Contending for these, and for a system of measures long proclaimed and thoroughly understood, we desire to be known by that appellation which is historically associated with our aims, and which is illustrious in the annals of Constitutional Liberty, on both shores of the Atlantic, as indicating the friends of PRIVILEGE in opposition to the friends of PREROGATIVE.—Such are the Whigs who are now gathering for the strife of 1844.

## COUNTER REPORT

FROM THE SELECT COMMITTEE ON THE CURRENCY, TO THE  
HOUSE OF REPRESENTATIVES, UNITED STATES, FEBRUARY  
17, 1842.

THE undersigned, from the Select Committee to whom was referred so much of the President's message as relates to the scheme of finance recommended therein to the consideration of Congress, and the letter of the Secretary of the Treasury on the subject of the Board of Exchequer, being compelled to dissent from the decision of a majority of the committee to report the bill which has been lately presented by them to this House, respectfully asks leave to offer his reasons for that dissent :

He is duly impressed with a sense of the weighty responsibility imposed upon the committee in the duty assigned to it by the House. He is profoundly conscious of the anxious wish of the nation to see this long-agitated question of the currency determined, by the adoption of some measure calculated to relieve the sufferings of the community. No one more painfully feels, than he does, the reality of those disorders in the administration of the public affairs, which, for years past, have been invading the private thrift and personal welfare of our citizens in the pursuit of their daily occupations, and which have at last, with a speed and certainty long foreseen, attained to a most unhappy pre-eminence among the topics soliciting the intervention and relief of national legislation.

He would express his conviction that the only sure and effective remedy for the universal and increasing evils which

are felt with so much poignancy at the present time throughout the community, is to be found in the suggestions of past experience and in a return to that course of policy from which the Government has departed. That in this department is to be traced the sequence of errors which have entailed upon the country the calamities under which it now suffers. Holding this opinion, he has been reluctant to confide in any untried measure of expediency, which even the most ingenious minds could propose, as likely to restore the prosperity of the nation. To him it seems that the only obstacle in the way of this happy achievement has been set up by the exasperation of political sentiment or the pride of partisan opinion, which has grown too wayward to be instructed, or too obstinate to confess its errors, and turn back to the path which its secret judgment points out to it ; and that the highest talents and most acute intelligence have been employed to devise plausible contrivances and artful shifts to escape the necessity of recurring to the obvious, but proscribed measures which old usage has demonstrated to be the best, and to which the impartial sense of the nation invites, and its indignant voice warns them to return.

The undersigned can find no reason to concur with the majority of the committee in the bill they have reported to the House. It is with great regret that he differs from his colleagues, because he cannot but feel that, in his conflict of opinions with them, he exposes himself to the hazard of misrepresentation ; that he will be charged by many with the bias of party attachments, by some even with factious division. He disavows and repels all such motives.

When the President of the United States communicated his message to Congress, at the opening of the late extra session, there was no sentiment uttered by him on that occasion which met with a more hearty response from this body and the people than the utter reprobation expressed against the existing Sub-Treasury system. He spoke truly, when, in reference to that measure, he declared that, "to say nothing of the *inse*

*curity* of the public moneys, its injurious effects have been anticipated by the country in *its unqualified condemnation*." After so just, so explicit, and so public a censure, made with so much deliberation, and so fully applauded as it was by the country, so frequently fore-announced in Congress, and so cordially approved by that body afterwards, the undersigned can discover no reason to rebuke the President's judgment in this particular, by consenting to join in the recommendation of any measure of the same character, to this House or the nation, at the present time. Nothing has since transpired to cast a doubt upon the soundness of the President's views at the time referred to. That system was repealed, and no one has yet asked to have it restored. It was, therefore, with no small surprise that the undersigned was called to witness so striking a fact as the reproduction of this exploded measure in the committee ; with still greater sensation did he contemplate its adoption by the majority who reported the bill.

The undersigned will not repeat the arguments which have been so often presented to the nation against this scheme for regulating the fiscal affairs of the Government ; but he will beg leave to invite the attention of the House to a comparison of the measure recently submitted by the committee with that repudiated law to which he has referred. Such an examination will show, that, in their most essential characteristic and odious features, they are framed upon the same principle, and are liable to the same objections.

The Sub-Treasury was placed under the control of the Secretary of the Treasury and the Treasurer of the United States. The one was to act as a check upon the other. The Exchequer, according to the bill reported, is placed under the control of the Secretary of the Treasury, the Treasurer, and a commissioner. The Sub-Treasury established agencies at Boston, New York, Charleston and St. Louis, which were placed under the charge of receivers. It also exacted the duties of agents from the directors and superintendents of the mint and branch mints, the collectors (or surveyors, where no

collector existed), receivers of the land offices, and certain post-masters. These officers were guarded or checked in the performance of their several functions by the naval officers, surveyors, registers of the land offices, and treasurers of the mints, respectively. The Exchequer proposes to establish like agencies at Boston, New York, Philadelphia, Charleston, New Orleans and five others, if deemed expedient, wherever the board may select. The superintendents of these agencies are to be held in check by the registers attached to the same. It also proposes to employ the mint and branch mints, under such checks and regulations as the Secretary of the Treasury may prescribe ; and, with fewer guards than were supplied by the Sub-Treasury scheme, commits the public moneys to the keeping of sundry collectors, land officers, and postmasters, as agents of the Treasury, and subject only to the draft of the Treasurer.

The Sub-Treasury supplied vaults and safes for the safe keeping of the funds.

The Exchequer proposes the same precautions.

The Sub-Treasury required bonds from its several officers, conditioned for the faithful performance of their duties.

The Exchequer contains the same provision.

The moneys in the possession of the several agencies under the Sub-Treasury were declared to be in the Treasury of the United States.

The Exchequer plan suggests the same enactment.

The two systems contain similar or analogous provisions against embezzlement.

So far the structure of the two systems bears a close resemblance ; the Sub-Treasury having the advantage, perhaps, in simplicity of organization and cheapness in the expense—inasmuch as it employed several officers of Government already in existence, merely enlarging the sphere of their duties.

The two schemes differ in the following points :

The Sub-Treasury was designed to promote a metallic circulation.



The Exchequer proposes to furnish, instead of such a circulation, its *exact counterpart* in Government paper.

The Exchequer provides for a system of private deposits.

The Sub-Treasury had no correspondent provision.

The Sub-Treasury required the public dues ultimately to be paid in coin.

The Exchequer authorizes the receipt of the notes of specie-paying banks, and Government paper.

These differences, so far as regards the practical operation of the two systems upon the country, will be found to be of small import.

The Sub-Treasury went into operation at a time when the Government had adopted the practice of issuing Treasury notes ; a practice which had met with so much favor from the friends of the Sub-Treasury system, as to constitute a material element in the policy of their administration of it. The two were almost inseparably connected. The public dues were consequently made payable in these notes, and they have been accordingly so used.

How far the Sub-Treasury succeeded in promoting a metallic circulation every one is aware. Some small portions of gold have been occasionally disbursed, chiefly to members of Congress and officers of the Government ; its other disbursements have been made in drafts and notes. The Exchequer plan would exert no greater or more beneficial influence upon the currency. It proposes to receive its payment in the notes of specie-paying banks. These notes it requires to be immediately converted, within the week of their reception or often-er, into coin ; and it forbids the paying out of these notes to any Government or other creditor. This is equivalent to the enactment of the specie clause in the Sub-Treasury law, and would produce precisely the same result.

The issue of a paper dollar for every metallic one in the Exchequer, and a faithful guardianship of the coin until its paper counterpart shall come in for redemption, is exactly equivalent, in practical effect upon the currency, to the circula-

tion of the coin itself. Nothing is *added* to the currency ; and the only benefit this substitution presents, is in the supply of a more portable medium. If the coin be gold, this advantage is diminished.

As these issues of the Exchequer are required to be made in denominations as low as fives and tens, and not to exceed the denomination of one hundred dollars, and as they are to be payable, on demand, to the bearer, they are destined for *local* circulation, and not, to any great extent, for transmission by mail—a fact which still more diminishes the motive to prefer them before gold.

We may therefore assume that, in the relief to be afforded the disordered currency of the nation, the Exchequer plan is calculated to do little more for it than the Sub-Treasury was able to effect. Both look to a collection of the revenues in coin. The one ostensibly disbursed in coin ; the other disburses an order on itself, for coin actually held to meet the order. The currency in neither case receives any augmentation.

The majority of the committee, in providing for *private deposits*, seem to think that this attribute of their plan will increase the paper circulation. The Exchequer is to invite deposits of coin from individuals, and to give in return an exact counterpart of the deposit, dollar for dollar, in the same kind of paper, and restricted within the same denominations as those above referred to. The depositor, it is supposed, will be led to place his money in this Exchequer for *safe keeping* ; yet he is not allowed the privilege of holding it there subject to his own order, and to be checked for as his occasions may require, but he is to be compelled to take, at once, an equivalent amount of certificates, in the small denominations adapted to local currency, payable to bearer, which he must carry about his person or deposit at home in his own safe, or in some bank or other place of deposit ; and it is imagined that, under these circumstances, he will find an inducement to change his *coin* for this *paper*, with a view to its *safe keeping* !

Individuals having immediate use for small sums of money, or wishing paper adapted to the expenses of a journey, and current beyond the circle of the trade of their own locality, would undoubtedly find a convenience in such a substitution for coin, and might perhaps, under such conditions, resort to the Exchequer.

During the present suspension of specie payments, in the States where this suspension exists, such deposits might also be expected to be made, for the sake of getting a better paper than the suspended Banks can afford. But, beyond these inducements, the undersigned can discover no possible motive which could operate upon a single individual in the nation to make a deposit on the terms prescribed. When a resumption shall take place in the payments of the banks at present suspended, the success of this private deposit arrangement in the bill must be limited to a circle of operations too small to give it any significance in the view even of its friends.

But if the scheme of these deposits should be successful to the full extent projected, it still fails to add to the currency a single element better than what was in it before.

The undersigned, therefore, thinks that these apparent differences between the Sub-Treasury and the Exchequer present, in fact, but little variation in the practical working of the two schemes, and still less in the principles which have made the sub-Treasury an odious and offensive law to the great body of the nation.

The majority of the committee, however, have incorporated another provision in the bill, which may be supposed to create a difference between it and the Sub-Treasury. This will be found in the 9th and 10th sections, relating to the sale and purchase of bills of exchange.

This feature constitutes no difference between the two systems, except in a particular of greater hazard, which will be noticed hereafter.

The bills of exchange to be bought or sold can have no application to any other fund than the *public* deposits. The pri-

vate deposits being a fund to be retained untouched in the Exchequer, to redeem the certificates issued upon it, and at the place where issued, cannot of course be used either in the purchase or sale of Exchange. Such an appropriation of this fund is strictly forbidden, and even made a felony. The drafts, therefore, are to be made only upon the *public* deposits, wherever they may be found. In like manner, the *purchase* of bills is to be made from the same source. It is obvious that bills of exchange, under these conditions, will be seldom bought or sold, except for the transfer of Government funds for the public use. The wants of the Treasury, we may well conclude, are not likely to leave much to be turned backward and forward for mercantile convenience.

Now, this power to deal in exchange existed under the Sub-Treasury quite as largely as it could exist under the Exchequer. The Secretary of the Treasury has always used it for Government purposes, as a necessary incident to the nature of his duties. If the Government has money in New York, and wishes it in Mobile, the Secretary *sells* a bill on New York for money in Mobile ; or he *buys* a bill on Mobile for money in New York. This is a familiar and daily operation, and is but an exemplification of the power conferred by the Exchequer bill.

The Exchequer bill superadds to this power a dangerous modification of it : it authorizes one agency to draw bills on any other agency, and to sell them—this operation being first allowed by the board of control.

The effect of this provision would be to permit an agency in New Orleans to make and sell bills upon New York ; thus enabling that agency, if fraudulently disposed, to collect large amounts of money into its possession, upon bills which it had no authority to draw, and to embezzle the amount before the board of control could possibly detect it. In this point, the Exchequer presents a much greater risk of embezzlement and abduction of the public funds than could possibly occur under the Sub-Treasury ; inasmuch as it empowers an agent to *create* a commodity—a bill of exchange—which he may sell for



money, and with which he may elope before detecting. This is an enhancement of the risk, and of course an aggravation of that "insecurity" which the President, in his message at the extra session, placed so prominently before the country, as one of the causes of the condemnation of the Sub-Treasury.

From this review of the chief characteristics of the two schemes, the undersigned is persuaded the House will perceive but little in the proposed plan of the committee to reconcile them to the objections which have been urged against the Sub-Treasury. He might ask, what consideration of public good is presented in this bill, to relieve it from the condemnation pronounced against the other ; Would the Sub-Treasury have been rendered palatable to the nation, if it had embraced the project of a counterpart representation, in paper, of the coin it required for public dues ? Would the provision to take private deposits of gold and silver have subdued or mitigated the reluctance of the country to the measure—this subtraction of the gold and silver from the banks being one of the deepest sources of dislike to it ? Unquestionably, if the Sub-Treasury gave room to apprehend, from its tendency to hoard up coin, an injurious action upon the metallic basis of bank circulation, that argument applies with greater force to the proposed Exchequer, since the first merely received the precious metals, to return them immediately back to circulation in public payments ; while the latter proposes to receive these metals on special deposit, and pledges an inviolable retention of them as long as their paper representative can be kept abroad.

The chief objections to the Sub-Treasury may be summed up in the following terms :

The political cast of its organization, giving to eager and obsequious partisans so large a control over the funds of the nation ;

The *insecurity* to which it exposed these funds from fraud and speculation ;

Its exaction of coin from the people, and the withdrawal of it from public use ;



Its power over the best banking institutions of the States ; and, finally,

Insufficiency to supply the business wants of the people.

None of these objections, in the opinion of the undersigned, are removed by the plan submitted by the majority of the committee ; some of them are even magnified.

The undersigned, therefore, is compelled utterly to reject this plan of administering the fiscal affairs of the nation, holding it to be altogether insufficient, mischievous, and already placed under the stigma both of Executive denunciation and popular reproof.

Greatly before this does he prefer that scheme of a Board of Exchequer which the President of the United States has presented to Congress through the Secretary of the Treasury, the consideration of which has also been referred to the committee. That project has, at least, the merit of proposing the means of *augmenting* the circulating medium by a supply of Government paper ; which, under favorable circumstances of trade, could not fail, perhaps, in a useful degree, to aid the money operations of the country. It is constructed with skill, and a sagacious reference to the only conditions upon which an adequate supply of paper money could be afforded to the nation. It professes to aim at the equalization of exchange ; and, with this view, proposes to establish agencies for buying and selling bills, with the exclusive purpose of facilitating commercial negotiations.

It embraces two very important principles :

The first is, an issue of Government paper to an amount of three to one, compared with the specie upon which it was founded.

The second is, a power of local discounting, under the name of exchange.

Its chief defect is to be found in the absence of a capital adapted to these two functions.

Deeming the evil to be a want of a good currency *sufficient-*

*ly abundant* for common use, the first of these principles noted above is incorporated in the bill, to remove that evil by an issue correspondent to the demand.

The second principle, the power of discounting, is designed to *promote the circulation* of those issues.

The President, in the concoction of that scheme, seems to have been conscious of the fact that the mere disbursements of the Government could not but out and sustain a large circulation.

Twenty-five millions of annual revenue paid out to public creditors, in Government notes based upon specie, and twenty-five millions always receivable during the year in the same medium, would leave but a small part of the whole in constant circulation throughout the year—a portion too inconsiderable to effect all that is desired in a reform of the currency. To aid the operation, he was aware that discounting in some form was indispensable.

If the design be to emit either a Government or bank paper, in such quantity as to leave a useful residuum for circulation, there are but two modes of ushering it to the community : it must be either paid out to creditors, or loaned out, on proper security, to borrowers. When the receipts are equal to the payments, the first mode of emission will be insufficient. To increase the amount desired to be kept out, it will then be necessary to provide means for lending it. The most obvious of these means is supplied by exchanging it for commercial paper. In the discounting of a bill of exchange, the Government would find an occasion for issuing an additional amount of its notes, for which it would receive, in return, the avails of the bill discounted, in specie, from the acceptor.

It is manifestly under the influence of this conviction that the President, through the Secretary of the Treasury, recommends the power of local discounting contained in the bill he directed to be prepared.

Every one will perceive that this power of issue and of discount constitutes a bank ; and that the President's plan, there-

fore, is a Government bank, constructed with a view primarily to the convenience of the Treasury, and secondarily to the advantage of commercial speculation and adventure.

The principle defect of this plan, as the undersigned has already observed, lies in its want of capital. So striking is this defect, that any one who reflects upon it, and has noted the history of recent events, must see that if the scheme had been put in operation last August, it would, most probably, have suspended payment in November—the Government in that interval not having been able, by its own credit, to raise money upon its own stocks, thrown into market precisely under the circumstances which the President's bill suggested for raising a supply of specie to meet the demands of his projected bank. His scheme, therefore, in this most material point, is singularly imperfect. It has many other imperfections of less note, upon which the undersigned will not stop to comment. The presentation of such a measure can be regarded in no other light than the acknowledgment, from a high authority in this Government, of the indispensable necessity of a central federal institution, clothed with the most important of the ordinary banking powers.

Regarding the Executive opinion in this light, and assenting to the soundness of the principle to which it refers, the undersigned had some hope that the committee, instead of sinking to a Sub-Treasury, would rather have risen to a more perfect bank, and thus have responded more effectually and more satisfactorily to the often-expressed will and sober convictions of the people—convictions which, however they may have been overborne or perverted by party influences, or silenced by the empty clamor of political leaders, have, nevertheless, abided in the minds of the nation with undiminished vigor, and been freely uttered as often as a cool judgment has been able to predominate over passion and prejudice.

It seemed to the undersigned to be due to the Executive, when thus recanting some of the errors of his past opinions, and adopting the more congenial sentiments of the nation, that

the committee should have striven to amend his plan, by giving it a more effective and practical tendency in the direction he indicated, and thus have offered to the country a bank clothed with the functions which the President has admitted to be so essential to the public interest, and free of the defects which are apparent in the structure of the bill he has furnished us.

The undersigned will endeavor to supply this omission of the committee. To do this, he conceives it will be necessary to strip the machine offered by the Executive of its purely *political* organization, and invest it with a character which shall exhibit, in mingled proportions, public and private attributes—in the union of which only, he conceives, may the public and private functions assigned to the institution be adequately performed. He is impelled to this course, not only by a sense of the expediency of such a union, but from the highest convictions of the necessity for it, imposed by the Constitution.

As to the plan of the bank proposed by the President, in his bill for establishing the Board of Exchequer, the undersigned is obliged to say, in the language of that high functionary himself, "I cannot conscientiously give it my approval."

In the first place, he regards it as an attempt, for the first time made in this country, "to create a Government bank to operate *per se* over the Union." Upon the power to establish such a bank, founded exclusively on Government funds, and committed to the management of Government officers, destined to perform the ordinary operations of receiving private deposits, issuing paper, and making discounts, the undersigned is not aware, until the presentation of the bill, that any portion of the citizens of this republic have ever entertained "different or conflicting opinions." It is a new attempt, bold in its design and dangerous in its character; and it will suffice for the undersigned to say, in the words of that high authority already quoted, that his "own opinion has been uniformly proclaimed to be against the exercise of any such power by this Government."

In the second place, the bill provides for a system of local discounting.

"It may justify substantially," to adopt the authoritative language of the same exalted officer, recorded in a celebrated State paper, "a system of discounts of the most objectionable character. It is to deal in bills of exchange drawn in one State and payable in another, without any restraint. It may, in fact, assume the most objectionable form of accommodation paper. It is not required to rest on any actual or substantial exchange basis: a drawer in one place becomes the acceptor in another, and so, in turn, the acceptor becomes the drawer, upon a mutual understanding. It may, at the same time, indulge in mere local discounts, under the name of bills of exchange."

This operation, thus accurately described, is provided for under the name of exchange in the Executive bill; and the power to exercise it is claimed for the Government itself, in a simple machine of its own, constructed for the purpose of collecting, safe keeping, and disbursing the public revenue. The undersigned, with very broad, and what are sometimes called latitudinarian, opinions upon the construction of the Constitution, cannot persuade himself to sanction this remarkable ultraism of interpretation. He is willing to admit, and has, in fact always admitted, the power of this Government to establish a joint-stock bank, whenever Congress has deemed such an institution necessary and proper to the collection and disbursement of the revenue. And, in accordance with an opinion generally received, especially since it has been sanctioned by the judgment of the Supreme Court, he holds it altogether within the authority of Congress to clothe such bank with all the capacities necessary to its prosperous existence while it is employed to aid the Government in its duties. The faculty of discounting notes and bills, of receiving private deposits, and of issuing circulation, being an indispensable incident to its preservation and success, although not necessarily a part of the function to be performed for the Government, is yet so essential to the existence of the machine as to be brought within the



power of Congress, which, without such power, could not furnish the Government with the principal and paramount facility of the bank itself. Upon these grounds alone has the exercise of such a power been justified.

But when the government proposes to construct a machine for its own use in the management of the revenue, the vitality of that machine is wholly independent of the incidents above referred to ; and thus every pretext is removed which could give the least plausibility to the excuse for usurping a power to establish a purely Government bank, with the privilege of local discounting in the shape of exchange, and to operate *per se* over the whole Union.

To quote again from the same high source of instruction already appealed to, the undersigned, "without going further into the argument, will say that, in looking to the powers of this Government to collect, safely keep, and disburse the public revenue, and incidentally to regulate the commerce and exchanges, he has not been able to satisfy himself that the establishment by this Government of a *Government* bank of discount, in the ordinary acceptance of that term, was a necessary means, or one demanded by propriety, to execute those powers. What can the local discounts of the bank have to do with the collecting, safe keeping, and disbursing of the revenue? So far as the mere discounting of paper is concerned, it is quite immaterial to this question whether the discount is obtained at a State bank or a United States bank. They are both equally local ; both beginning and ending in a local accommodation." The Executive goes so far ahead of the undersigned in latitudinous construction of the Constitution, and claims the exercise of powers so novel, and even perilous, that the undersigned has thought it his duty to express his dissent from the doctrine asserted, and respectfully to protest against this attempt, emanating from such an authoritative source, to interpolate a new principle in the Constitution, so hazardous to the rights of the States, and tending so much to consolidation.

In the last place, the bill of the President incorporates a

most objectionable principle in its requirement of *the assent of the States* to enable the fiscal agent of the Government—his Board of Exchequer—to perform the duties which the national Legislature is invoked to say are necessary and proper to the regulation of the national concerns.

The introduction of this principle is neither more nor less than the affirmation of the proposition, that the consent of any one or of all the States is capable of conferring upon the national Government a power which it did not possess before ; and still more, that any one or all of the States may obstruct the operations of the Government in a sphere of action which the Constitution allows the Government to occupy.

This doctrine, in one aspect, leads so directly to centralization in the national Government of powers not granted, and, in another aspect, tends so decidedly to anarchy ; is so subversive of the rights of the States, especially of that right which belongs to each State to require every other State to confine itself to its own orbit ; is so fraught with mischief to the harmony of the national laws and institutions, that it ought to be discountenanced at the first moment in which it is presented to Congress. It is a supersubtle abstraction—a distillation of other abstractions—capable of no imaginable good, but only of harm, and deserves to be put in the category of petitions under the twenty-first rule. The undersigned regrets that the same principle, with even less show of justification for it, is incorporated by the majority of the committee in the twelfth section of the bill they have reported to the House.

He has thus very cursorily pointed out his objections to the plan submitted by the Executive, through the Secretary of the Treasury. That plan professes to emanate from the President and his constitutional adviser. Its defects are, perhaps, the result of the difficulty of combining the contrarieties of conflicting opinion. The bill, we may imagine, has sprung from the pressure of a cabinet necessity. It is presumed to be a treaty between variant portions of the Executive—the best thing that could be done, considering the consciences of the

parties who produced it. This will sufficiently account for its imperfections. It recognizes, however, a great and valuable principle, for which the country owes the Executive its thanks—the principle that the chief relief to the nation is to be obtained through the exercise of a judiciously contrived and administered federal banking power. Happily concurring with the Executive in this opinion, the undersigned feels it his duty to contribute his aid towards the consummation at which the Executive has aimed ; and persuaded that the only form in which the Constitution allows the Government to avail itself of the powers which the President claims for it is to be found in the incorporation of a national bank, and, moreover, convinced that such an institution presents the only practicable mode of relieving the currency and restoring to the business of the country its former prosperity, he submits with this report a bill for the establishment of a bank, on such conditions as he believes may be rendered instrumental to a great national benefit. He conceives the present time to be eminently favorable to this endeavor. 'The gross abuses everywhere apparent in the banking system, the fate of the late United States Bank of Pennsylvania, the rapid succession of catastrophes which are driving the worthless institutions of the country out of existence, all furnish admonitions from which Congress and the people may derive the greatest profit, in the establishment and conduct of a new national bank.

We may hope that the Executive, whose opinions have undergone so important a change, will aid in this beneficent purpose. Professing to walk in the light afforded him by the great fathers of the republican school, he will find an illustrious example, to encourage his footsteps, in one of the greatest of his predecessors, who, long refusing to yield the convictions of his mind to the advocacy of the constitutional right to establish a bank, was taught, at last, by the public distress in a disordered currency, and by the thickening disasters which invaded the workshops and broke down the industry of the people ; which stripped the laborer of the pittance of his daily toil, and swept

away the accumulations of years of prosperous industry from the thousands whom fortune had favored—by these calamities, written on the face of the country, he was taught to retract an opinion which he found to stand in the way of the public welfare and a humane discharge of his great office.

The Executive may read now, in this day, on the face of that same country, the same misfortunes more indelibly stamped, marked by more haggard lines, and signified by deeper anguish of expression. He must acknowledge to himself the utter failure of all experiments and expedients of relief, and realize the melancholy truth that the nation plunges, with fearful precipitation, from worse to worse ; that gloom and despondency are fast engendering a spirit of discontent, which may not long endure without aggravating the common ills of the day by the still more deplorable affliction of disaffection to a Government which many begin to think has lost its paternal regard in cold and selfish insulation. Reflecting on these unwelcome facts, he may take heart of grace to follow that glorious example of patriotic magnanimity to which we have invited his study.

To present him, therefore, with the same opportunity afforded to his predecessor to surrender his recent opinions upon the altar of the nation, and to perform the same grateful duty of restoring the prosperity of the land, the undersigned submits to the House, with this report, a bill “to incorporate the National Bank of the United States,” hoping that it will find favor with Congress, and a cheerful support from the Executive.

The undersigned, in offering this measure to the consideration of the House and the country, cannot withhold the expression of his clear conviction, fortified, as he knows it to be, by the convictions of the great body of the people, that, however effective a bank may be found in promoting relief from the existing embarrassments of the nation, it must be disabled of a great portion of its usefulness, unless it be sustained by *an instant and complete revision of the tariff*. The bank can be but *the minister* of the currency. The currency itself must be



created by the national means devoted to the payment of the national debt. It must be guarded and preserved by a steady and efficient revenue, adequate to meet the engagements of the Government without the aid of loans or paper devices, by which timid statesmen procrastinate a day of reckoning. To supply such revenue is the first and great duty of Congress. When that is done, the value of a bank will be daily acknowledged in the gratitude of the people. A good tariff and a bank are inseparable elements of national success in all the departments of industry. Our choice lies between these on the one hand, and funded debt, irredeemable paper money, high-priced loans, and all the shifts which lead to national dishonor and disgrace, on the other. The country, above all things, desire that Congress would make an immediate choice between them.

These views are respectfully and earnestly submitted to the House, with the accompanying bill.

JOHN P. KENNEDY.

*A bill to incorporate the subscribers to the National Bank of the United States.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a National Bank of the United States shall be established in the District of Columbia, with a capital of thirty millions of dollars, divided into three hundred thousand shares, of one hundred dollars each share. One hundred thousand shares shall be subscribed for by the United States, and the residue of the said capital may be subscribed and paid for by individuals, companies, corporations, or States, the said individuals being citizens of the United States, and the said companies and corporations being of the several States, or of these United States, or Territories thereof, in the manner hereinafter specified. But Congress reserves to itself the power of augmenting the capital of the said bank, at any time after the 1st of January, 1852, by authorizing the addition thereto of a sum not exceeding twenty millions of dollars, divided into shares as aforesaid,



which may be subscribed for, at not less than their par value, by the United States, or by any State, corporation, company, or individuals, in the manner directed by law ; *Provided*, That the United States shall not subscribe for more than one-third of the said additional capital.

SEC. 2. *And be it further enacted*, That subscriptions for the sum of twenty millions of dollars, towards constituting the capital of the said bank, shall be opened on the first Monday of May next, at the following places, that is to say : at Washington, in the District of Columbia ; at Portland, in the State of Maine ; at Portsmouth, in the State of New Hampshire ; at Boston, in the State of Massachusetts ; at Providence, in the State of Rhode Island ; at Hartford, in the State of Connecticut ; at Burlington, in the State of Vermont ; at New York, in the State of New York ; at New Brunswick, in the State of New Jersey ; at Philadelphia, in the State of Pennsylvania ; at Wilmington, in the State of Delaware ; at Baltimore, in the State of Maryland ; at Richmond, in the State of Virginia ; at Lexington, in the State of Kentucky ; at Cincinnati, in the State of Ohio ; at Raleigh, in the State of North Carolina ; at Nashville, in the State of Tennessee ; at Charleston, in the State of South Carolina ; at Savannah, in the State of Georgia ; at New Orleans, in the State of Louisiana ; at Indianapolis, in the State of Indiana ; at Mobile, in the State of Alabama ; at St. Louis, in the State of Missouri ; at Springfield, in the State of Illinois ; at Detroit, in the State of Michigan ; at Natchez, in the State of Mississippi ; and at Little Rock, in the State of Arkansas. And the said subscriptions shall be opened under the superintendence of five commissioners at Washington city, and of three commissioners at each of the other places aforesaid, to be appointed by the Secretary of the Treasury, who is hereby authorized to make such appointments, and shall continue open every day, from the time of opening the same, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, for the term of twenty days, exclusive of Sundays, when the same shall be

closed ; and immediately thereafter, the commissioners, or any two of them, at the respective places aforesaid, shall cause two transcripts or copies of such subscriptions to be made, one of which they shall send to the Secretary of the Treasury, one they shall retain, and the original they shall transmit, within seven days from the closing of the subscriptions as aforesaid, to the commissioners at Washington city. And on the receipt of the said original subscriptions, or either of the said copies thereof, if the original be lost, mislaid, or detained, the commissioners at Washington aforesaid, or a majority of them, shall immediately thereafter convene, and proceed to take an account of the said subscriptions ; and if more than the amount of twenty millions of dollars shall have been subscribed, then the said last-mentioned commissioners shall deduct the amount of such excess from the largest subscriptions, in such manner as that no subscription shall be reduced in amount while any one remains larger : *Provided*, That if the subscription taken at either of the places aforesaid shall not exceed two thousand shares, there shall be no reduction of such subscriptions, nor shall, in any case, the subscriptions taken at either of the places aforesaid be reduced below that amount. And, in case the aggregate amount of the said subscriptions shall exceed twenty millions of dollars, the said last-mentioned commissioners, after having apportioned the same, as aforesaid shall cause lists of the said apportioned subscriptions to be made out, including in each list the apportioned subscription for the place where the original subscription was made, one of which lists they shall transmit to the commissioners, or one of them, under whose superintendence such subscriptions were originally made, that the subscribers may thereby ascertain the number of shares to them respectively apportioned, as aforesaid ; and in case the aggregate amount of the said subscriptions made during the period aforesaid, shall not amount to twenty millions of dollars, the subscriptions to complete the said sum shall be and remain open at Washington city, aforesaid, under the superintendence of the commissioners appointed for that place ;

and the subscriptions may be then made by any individual, company, corporation, or State, for any number of shares, not exceeding in the whole the amount required to complete the said sum of twenty millions of dollars.

SEC. 3. *And be it further enacted*, That it shall be lawful for any individual, company, corporation, or State, when the subscriptions shall be opened as heretofore directed, to subscribe for any number of shares of the capital of the said bank, not exceeding two thousand five hundred shares ; and that the sums so subscribed shall be payable and paid in bullion, in gold or silver coin of the United States, or in foreign coins made and declared current in the United States by the act of Congress of the 25th of June, 1834, entitled "An act regulating the value of certain foreign silver coins in the United States," and by the act of the 28th of June, 1834, entitled "An act regulating the value of certain gold coins within the United States," at the following rates, to wit: the sovereign of Great Britain at ninety-four cents and sixty-two hundredths of a cent for each pennyweight ; the pieces of forty and twenty francs of France, at ninety-two cents and ninety-two hundredths of a cent for each pennyweight ; the doubloon and parts of Spain, at eighty-nine cents and fifty-one hundredths of a cent for each pennyweight ; the doubloon and parts of Mexico, at eighty-nine cents and fifty-one hundredths of a cent for each pennyweight ; the doubloon and parts of Peru, at eighty-nine cents and seventy-one hundredths of a cent for each pennyweight ; the doubloon and parts of Chili, at eighty-nine cents and seventy-one hundredths of a cent for each pennyweight ; the doubloons of Bogota, Colombia, at eighty-nine cents and ninety-two hundredths of a cent for each pennyweight ; the doubloons of Popayan, Colombia, at eighty-eight cents and sixty-eight hundredths of a cent for each pennyweight ; the doubloons of 1837 and 1838 of New Grenada, at ninety cents and two hundredths of a cent for each pennyweight ; the doubloons of Bolivia, at eighty-nine cents and ninety-two hundredths of a cent for each penny-

weight ; the doubloons of Central America, at eighty-five cents and seventy-nine hundredths of a cent for each pennyweight ; the doubloons of La Plata, at eighty-four cents and twenty-four hundredths of a cent for each pennyweight ; the johannes and half of Portugal, at ninety-four cents and forty-six hundredths of a cent for each pennyweight ; the crown (of 5,000 reis) and a half, since 1838, of Portugal, at ninety-four cents and forty-six hundredths of a cent for each pennyweight ; the piece (of 5,400 reis) of 1838 of Brazil, at ninety-four cents and forty-six hundredths of a cent for each pennyweight ; and in foreign silver coins at the value fixed upon them severally in the act first above named, or in Treasury notes of the United States, or in certificates of stock issued under the act entitled "An act authorizing a loan not exceeding the sum of twelve millions of dollars," approved July 21st, 1841. And the payments made in Treasury notes or in the said certificates of stock shall be paid and received at the par value thereof, including all interest which shall have accrued thereon on the day of such payment. And the payments of the said subscriptions shall be made and completed by the subscribers, respectively, at the time and in the manner following, that is to say : at the time of subscribing there shall be paid ten dollars on each share, in bullion, in gold or silver coin, in the Treasury notes of the United States, or in the said certificates of stock ; and twenty-five dollars more, in bullion, in coin, Treasury notes, or certificates of stock, as aforesaid, at the expiration of three calendar months from the first Monday in May, 1842 ; and there shall be paid the further sum of twenty-five dollars on each share, in bullion, in gold or silver coin, Treasury notes, or certificates of stock, as aforesaid, in eight calendar months from the first Monday in May, 1842 ; and forty dollars more in bullion, in coin, Treasury notes, or certificates of stock, as aforesaid, at the expiration of twelve calendar months from the said first Monday.

SEC. 4. *And be it further enacted*, That if, in consequence of the apportionment of the shares in the capital of the said



bank among the subscribers, in the case and in the manner hereinbefore provided, any subscriber shall have delivered to the commissioners, at the time of subscribing, a greater amount of bullion, or gold or silver coin, Treasury notes, or certificates of stock, than shall be necessary to complete the payments for the share or shares of such subscribers, apportioned as aforesaid, the commissioners shall only retain so much of the said bullion, or gold or silver coin, Treasury notes, or certificates of stock, as shall be necessary to complete such payments ; and shall, forthwith, return the surplus thereof, on application for the same, to the subscribers lawfully entitled thereto. And the commissioners, respectively, shall deposit the bullion, or gold and silver coin, Treasury notes, and certificates of stock, by them respectively received as aforesaid, from the subscribers to the capital of the said bank, in some place of secure and safe keeping, so that the same may and shall be specifically delivered and transferred, as the same were by them respectively received, to the National Bank of the United States, or to their order, as soon as shall be required after the organization of the said bank. And the said commissioners appointed to superintend the subscriptions to the capital of the said bank, as aforesaid, shall receive a reasonable compensation for their services, respectively, and shall be allowed all reasonable charges and expenses incurred in the execution of their trust, to be paid by the bank out of the funds thereof.

SEC. 5. *And be it further enacted*, That no certificate of stock, or any subscription, or any right thereto, shall be transferred, except by operation of law, until after the whole amount of the second instalment shall have been fully paid, and every contract or agreement made or entered into for the transfer of such stock, or for the holding the same in trust for the use of any other person, except the person in whose name it is subscribed in the books, or for whose use it is therein expressed, shall be wholly and absolutely null and void in law. That it shall be lawful for the president, directors, and company of the



said bank, to sell and transfer, for gold and silver coin, or bullion, Treasury notes and certificates of stock subscribed to the capital of the said bank, as aforesaid.

SEC. 6 *And be it further enacted*, That, at the opening of the subscription to the capital stock of the said bank, the Secretary of the Treasury shall subscribe, or cause to be subscribed on behalf of the United States, the said number of one hundred thousand shares, amounting to ten millions of dollars, as aforesaid : which said subscriptions, so made by the Secretary of the Treasury, as aforesaid, shall be paid in bullion, in gold or silver coin, or in stock of the United States, bearing interest at the rate of five per cent. per annum ; and if payment thereof, or any part thereof, be made in public stock, bearing interest as aforesaid, the said interest shall be payable half yearly, to commence from the time of making such payments on account of the said subscription ; and the principal of the said stock shall be redeemable in any sums and at any periods which the Government shall deem fit, after the expiration of fifteen years. And the Secretary of the Treasury shall cause certificates of public stock, to the amount of ten millions of dollars, to be prepared and made in the usual form, and shall at his discretion, and whensoever he shall think fit, sell the same for gold or silver coin, or bullion, at not less than the par value thereof, or he shall pay over and deliver three millions five hundred thousand dollars of the same to the said bank, on the first day of September, eighteen hundred and forty-two, and two millions five hundred thousand dollars on the first day of January eighteen hundred and forty-three, and four millions of dollars of the same on the first day of May, in the same year ; which said stock it shall be lawful for the said bank to sell and transfer, for gold and silver coin, or bullion, at their discretion. And if the Secretary of the Treasury shall sell the whole, or any part of the said stock, he shall pay to the said bank gold and silver coin, or bullion, to the nominal amount of stock so sold, in like instalments : *Provided, nevertheless*, That if the amount of stock

which may be offered for the subscription of individuals, States, or corporations, shall not be fully taken prior to the thirtieth of August next, and the deficiency do not exceed one-third, the residue shall be subscribed for by the Secretary of the Treasury, on behalf of the United States, and shall be sold by him as soon thereafter as he can obtain its par value ; and for which the Secretary of the Treasury is hereby authorized to issue stocks of the United States, in manner as before provided.

SEC. 7. *And be it further enacted,* That the subscribers to the said bank, their successors and assigns, shall be, and they are hereby, created a corporation and body politic, by the name and style of "the National Bank of the United States," and shall so continue until the first day of June, in the year one thousand eight hundred and sixty-two ; and by that name shall be, and are hereby, made able and capable in law to have, purchase, receive, possess, enjoy, and retain to them and their successors, lands, rents, tenements, hereditaments, goods, chattels, and effects, of whatsoever kind, nature, and quality ; and the same to sell, grant, demise, alien, or dispose of ; to sue and be sued, plead, and be impleaded, answer and be answered, defend and be defended, in all State courts having competent jurisdiction, and in any circuit court of the United States ; and also to make, have, and use a common seal, and the same to break, alter, and renew at their pleasure ; and also to ordain, establish, and put into execution, such by-laws and ordinances and regulations as they shall deem necessary and convenient for the government of the said corporation, not being contrary to the constitution thereof, or to the laws of the United States ; and generally to do and execute all and singular the acts, matters, and things which to them it shall or may appertain to do ; subject, nevertheless, to the rules, regulations, restrictions, limitations, and provisions, hereinafter prescribed and declared.

SEC. 8. *And be it further enacted,* That, for the management of the affairs of the said corporation, there shall be nine direct-

ors, three of whom shall be annually appointed by the President of the United States, by and with the advice and consent of the Senate, and six of whom shall be annually elected at the banking-house in the city of Washington, on the first Monday of January in each year, by the qualified stockholders of the capital of said bank, other than the United States, and by a plurality of votes then and there actually given, according to the scale of voting hereinafter prescribed: *Provided, always*, That no member of Congress, or of the respective State Legislatures, and no officer or contractor of the Federal or State Governments, shall be a director in said bank or branches, and that no person being a director in the National Bank of the United States, or any of its branches, shall be a director of any other bank; and should any such director act as a director in any other bank, it shall forthwith vacate his appointment in the direction of the National Bank of the United States; and the directors so duly appointed and elected shall be capable of serving, by virtue of such appointment and choice, from the first Monday in the month of January of each year, until the end and expiration of the first Monday in the month of January of the year next ensuing the time of each annual election, to be held by the stockholders as aforesaid. And the board of directors annually, at the first meeting after their election in each and every year, shall proceed to elect one of the directors to be president of the corporation, who shall hold the said office during the same period for which the directors are appointed and elected as aforesaid: *Provided, also*, That the first appointment and election of the directors and president of the said bank shall be at the time and for the period hereinafter declared: *And provided, also*, That in case it should at any time happen that an appointment or election of directors, or an election of the president of the said bank, should not be so made as to take effect on any day when, in pursuance of this act, they ought to take effect, the said corporation shall not for that cause be deemed to be dissolved; but it shall be lawful at any other time to make such appointments, and to hold

such elections (as the case may be), and the manner of holding the elections shall be regulated by the by-laws and ordinances of the said corporation ; and until such appointments or elections be made, the directors and president of the said bank for the time being shall continue in office : *And provided, also,* That in case of the death, resignation, or removal of the president of the said corporation, the directors shall proceed to elect another president from the directors as aforesaid ; and in case of the death, resignation, or absence from the United States, or removal of a director from office, the vacancy shall be supplied by the President of the United States, or by the surviving directors, as the case may be ; but the President of the United States alone shall have power to remove either of the directors appointed by him as aforesaid.

SEC. 9. *And be it further enacted,* That as soon as the sum of ten dollars on each share, in bullion, gold or silver coin, Treasury notes or certificates of stock, shall have been actually received on account of the subscriptions to the capital of the said bank (exclusively of the subscriptions aforesaid on the part of the United States), notice thereof, shall be given, by the persons under whose superintendence the subscriptions shall have been made at the city of Washington, in at least two newspapers printed in each of the places (if so many be printed in such places, respectively) where subscriptions shall have been made ; and the said persons shall, at the same time, and in like manner, notify a time and place, within the said city of Washington, at the distance of at least thirty days from the time of such notification, for proceeding to the election of six directors, as aforesaid ; and it shall be lawful for such election to be then and there made. And the President of the United States is hereby authorized, if Congress be then in session, and if not in session then as soon thereafter as Congress may be in session, to nominate, and, by and with the advice and consent of the Senate, to appoint three directors of the said bank, whether they be stockholders or not any thing in the provisions of this act to the contrary notwithstanding ; and the persons who shall



be elected and appointed, as aforesaid, shall be the directors of the said bank and shall proceed to elect one of the directors to be president of the said bank ; and the directors and president of the said bank, so appointed and elected as aforesaid, shall be capable of serving in their respective offices, by virtue thereof, until the end and expiration of the first Monday of the month of January next ensuing the said appointments and election : *Provided*, That it shall and may be lawful for the President of the United States, as soon as ten dollars on each share are paid, in manner herein provided, to appoint three directors, who shall serve until they are superseded by appointments made by the President of the United States, by and with the advice and consent of the Senate, as hereinbefore provided : *And provided further*, That as soon the sum of six millions five hundred thousand dollars, in bullion, gold or silver coin, or in Treasury notes, or certificates of stock, shall have been actually received on account of the subscriptions to the capital of the said bank, (exclusively of the subscription of ten millions aforesaid on the part of the United States), the operations of the same shall thenceforth commence and continue at the city of Washington.

SEC. 10. *And be it further enacted*, That the directors for the time being shall have power to appoint such officers, clerks, and servants, under them, as shall be necessary for executing the business of the said corporation, and to allow them such compensation for their services, respectively, as shall be reasonable ; and shall be capable of exercising such other powers and authorities, for the well-governing and ordering of the affairs of the said corporation, as shall be prescribed, fixed, and determined by the by-laws, regulations, and ordinances of the same.

SEC. 11. *And be it further enacted*, That the following rules, restrictions, limitations, and provisions, shall form and be fundamental articles of the constitution of said corporation, to wit :

1st. The number of votes to which the stockholders shall be entitled, in voting for directors, shall be according to the number of shares he, she, or they, respectively, shall hold, in



the proportions following, that is to say : for one share, and not more than two shares, one vote ; for every two shares above two, and not exceeding ten, one vote ; for every four shares above ten, and not exceeding thirty, one vote ; for every six shares above thirty, and not exceeding sixty, one vote ; for every eight shares above sixty, and not exceeding one hundred, one vote ; for every ten shares above one hundred, one vote ; but no person, copartnership, or body politic, shall be entitled to a greater number than sixty votes ; and, after the first election, no share or shares shall confer a right of voting, which shall not have been holden three calendar months previous to the day of election ; no proxy to any officer of the bank, or of more than ninety days' standing, shall be valid ; no proxy shall have a right to give more than three hundred votes ; and stockholders actually resident citizens of the United States, and none others, may vote in elections, by proxy or otherwise ; and any person holding a proxy may be required by any stockholder, at the time of voting, to make oath that he believes his principal, in whose behalf he votes, to be the bona fide holder of the share or shares, and that no sale or transfer has been made for the purpose of evading the scale of voting established by this act.

2d. Not more than five-sixths of the directors elected by the stockholders, who shall be in office at the time of an annual election, shall be elected for the succeeding year ; and no director shall hold his office for more than five years out of six in succession ; but the director who shall be President at the time of an election may always be reappointed, or selected, as the case may be.

3d. None but a stockholder, resident citizen, shall be a director. Not more than two directors shall be elected, and not more than one appointed, out of any one State ; and they shall be paid by said bank such reasonable compensation for their services as the stockholders, at their annual meeting, shall direct ; but the salary of the president shall be fixed by the directors.

4th. Not less than five directors shall constitute a board for the transaction of business, of whom the president shall al-

ways be one ; and at least three of the five shall be of the directors elected by the stockholders ; and in case of sickness or necessary absence of the president, his place shall be supplied by any other director whom he, by writing, under his hand, shall depute for that purpose ; and the director so deputed may do and transact all the necessary business belonging to the office of the president of the said corporation, during the continuance of the sickness or necessary absence of the president.

5th. A number of stockholders, not less than sixty, who, together, shall be proprietors of one thousand shares or upwards, shall have power at any time to call a general meeting of the stockholders, for purposes relative to the institution, giving at least four weeks' notice in the public newspapers of the place where the bank is seated, and specifying in such notice the object or objects of such meeting.

6th. Each cashier or treasurer, before he enters upon the duties of his office, shall be required to give bond, with two or more sureties, to the satisfaction of the directors, in a sum not less than fifty thousand dollars, with a condition for his good behavior, and the faithful performance of his duties to the corporation.

7th. The lands, tenements, and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation, in relation to the convenient transaction of its business, and such as shall have been purchased at sales upon judgments or decrees, or shall have been assigned or set off to said bank in satisfaction of said judgments or decrees, which shall have been obtained for debts due, or as have been bona fide mortgaged to it by way of security : *Provided*, That no loan shall be made on security of real estate ; nor shall the said corporation hold any one parcel of such lands or tenements, not necessary for the convenient transaction of its business, for a longer period than five years.

8th. The total amount of debts which the said corporation

shall at any time owe, whether by bond, bill, note, or other contract, over and above the debt or debts due for money deposited in the bank, shall not exceed the sum of twenty-five millions of dollars, unless the contracting of any greater debt shall have been previously authorized by law. In case of excess, the directors under whose administration it shall happen shall be liable for the same, in their natural and private capacities ; and an action of debt may, in such case, be brought against them, or any of them, their or any of their heirs, executors, or administrators, in any court of record of the United States, by any creditor or creditors of the said corporation, and may be prosecuted to judgment and execution, any condition, covenant, or agreement, to the contrary notwithstanding ; but this provision shall not be construed to exempt the said corporation, or the lands, tenements, goods, or chattels of the same, from being also liable for, and chargeable with, the said excess. Such of the said directors as may have been absent when the said excess was contracted or created, or who may have dissented from the resolution or act whereby the same was so contracted or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact, and of their absence or dissent, to the President of the United States, and to the stockholders, at a general meeting, which they shall have power to call for that purpose.

9th. The said corporation shall not directly or indirectly deal or trade in any thing except bills of exchange, gold or silver coin, or bullion, or goods, or lands purchased on execution, sued out on judgments, or decrees obtained for the benefit of said bank, or taken bona fide in the payment of debts due to it, or goods which shall be the proceeds of its lands. It shall not be at liberty to purchase any public debt whatever, nor make any loan upon the pledge thereof, nor shall it take more than at the rate of six per centum per annum for or upon its loans or discounts ; nor shall the board of directors of the said corporation make donations or presents of its funds to any officer or director, for any purpose whatever.

10th. No loan shall be made by the said corporation, for the use or on account of the Government of the United States, to an amount exceeding one million of dollars, nor for any period exceeding one hundred and eighty days, or on account of any particular State, to an amount exceeding one hundred thousand dollars, or for any period exceeding one hundred and eighty days, unless previously authorized by a law of the United States.

11th. The stock of the said corporation shall be assignable and transferable, according to such rules as shall be instituted, in that behalf, by the by-laws and ordinances of the same.

12th. The bills obligatory and of credit under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hands of such person or persons, and his, her, or their executors or administrators, and of his, her, or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees, successively ; and to enable such assignee assignees, and his, her, or their executors or administrators, to maintain an action thereupon, in his, her or their own name or names : *Provided*, That said corporation shall not make any bill obligatory, or of credit, or other obligation under its seal, for the payment of a sum less than five thousand dollars, or for a longer period than one year.

13th. All bills or notes issued by order of the said corporation, signed by the president and countersigned by the principal cashier or treasurer thereof, promising the payment of money to any person or persons, his, her, or their order, or to bearer, although not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner and with like force and effect as upon any natural person or persons, if issued by him, her, or them, in his, her, or their private or natural capacity or capacities, and shall be assignable and negotiable in like manner as if they were so issued by such natural person or persons ; that is to say : those which shall be



payable to any person or persons, his, her, or their order, shall be assignable by endorsement, in like manner and with the like effect as foreign bills of exchange now are ; and those which are payable to bearer shall be assignable and negotiable by delivery only : *Provided*, That all bills or notes so to be issued by said corporation shall be made payable on demand.

14th. Half yearly dividends may be made of so much of the profits of the bank as shall appear to the directors advisable, not exceeding four per centum for any one half year. When a surplus beyond that limit shall have accumulated in the said bank to an amount exceeding two millions of dollars, the excess beyond that sum and beyond the annual dividends, as such excess accrues, shall be annually transferred and paid over to the Treasury of the United States ; and upon the expiration of this charter, any surplus which may be in the said bank, after the payment of dividends as aforesaid, and after reimbursing the capital of the stockholders, shall in like manner be paid into the Treasury of the United States. If the dividends shall, in any half year, fall below the above limitation of four per centum, the Secretary of the Treasury shall, out of the surpluses which shall have been previously paid over to the Treasury, but out of no other funds or money in the Treasury of the United States, pay a sum sufficient to make up the deficiency. The directors shall make no dividends except from the nett profits arising from the business of the corporation, and shall not, at any time, or in any manner, pay to the stockholders, or any of them, any part of the capital stock of the said corporation ; nor shall they at any time, or in any way or manner, reduce the capital stock of the said corporation without the consent of Congress ; nor shall the said directors, either of the said principal bank or of any branch or office of discount and deposit, or any agency, discount, or suffer to be discounted, or receive in payment, or suffer to be received in payment, any note or other evidence of debt, as a payment of or upon any instalment of the said capital stock actually called for and required to be paid or with the intent of providing the means of making



such payment ; nor shall any of the said directors receive or discount, or suffer to be received or discounted, any note or other evidence of debt, with intent of enabling any stockholder to withdraw any part of the money paid in by him on his stock ; nor shall the said directors apply, or suffer to be applied, any portion of the funds of the said corporation, directly or indirectly to the purchase of shares of its own stock ; nor shall the said directors, or any of them, receive as a security for any loan or discount, or in payment or satisfaction of any debt due to the said corporation, except in the necessary course of collection of debts previously contracted in a bona fide manner in the ordinary course of its banking operations, and actually due and unpaid, any shares of the capital stock of the said corporation ; and any shares of the said capital stock so received in payment of any such debts shall be, in good faith, sold and transferred from the hands and ownership of the said corporation within ten months from the time of its transfer to and reception by the same, in the manner and for the purposes aforesaid ; nor shall the said directors, or any of them, receive from any other banking or other stock corporation, shares of the stock of any such banking or other stock corporation, or any notes, bonds, or other evidences of debt issued by or upon the credit of such corporation, in exchange for the shares of stock, notes, bonds, or other evidences of debt of the corporation created by this act.

And the said directors, in determining what are “nett profits” of the said corporation, from which the dividends allowed by this article may be made, shall first deduct from the profits of the business of the said corporation all expenses paid or incurred, both ordinary and extraordinary, attending the management of the affairs and the transaction of the business of the said corporation ; all interest paid, or then accrued, due and unpaid, on debts owing by the said corporation ; and all losses sustained by the said corporation ; and in the computation of such losses, all debts owing to the corporation shall be included which shall have remained due, without prosecution, and no interest shall have been paid thereon, for more than one

year ; or on which judgments shall have been recovered that shall have remained for more than two years unsatisfied, and on which no interest shall have been paid during that period. If there shall be a failure in the payment of any part of any sum subscribed to the capital of the said bank, the stockholder so delinquent shall lose the benefit of any dividend which may have accrued prior to the time of making such payment, and during the delay of the same.

15th. Once in every year the directors shall lay before the stockholders, at a general meeting, or publish for their information, an exact and particular statement of the debts which shall remain unpaid after the expiration of the original credit, and of the surplus of the profits, if any, after deducting losses and dividends.

16th. The directors of the said corporation shall establish one competent office of discount and deposit in any State in which two thousand shares shall have been subscribed or may be held, whenever, upon application of the Legislature of such State, Congress may by law require the same. And the said directors may also establish one or more competent offices of discount and deposit in any State, Territory, or district of the United States, and shall have power to commit the management of the said offices and the business thereof, respectively, to such persons, and under such regulations, as they may deem proper, not being contrary to law or to this charter. Or, instead of establishing such offices, it shall be lawful for the directors of the said corporation, from time to time, to employ any agent or agents, or any other bank or banks, to be approved by the Secretary of the Treasury, at any place or places that the said directors may deem safe and proper, to manage and transact the business proposed as aforesaid, other than for the purposes of discount, and to perform the duties hereinafter required of the said corporation, to be managed and transacted by such offices, under such agreements and subject to such regulations as they shall deem just and proper. Not more than nine nor less than five managers or directors of every office, estab-

lished as aforesaid, shall be annually appointed by the directors of the said corporation, to serve one year. The said managers or directors shall choose a president from their own number ; they shall be citizens of the United States, and residents of the State, Territory, or District, wherein such office is established ; and at least one of the said managers or directors shall be ineligible to reappointment at the end of every first and each succeeding year : but the president may be always reappointed.

17th. The officer at the head of the Treasury Department of the United States shall be furnished from time to time, as often as he may require, not exceeding once a week, with such statements of the condition and business of said corporation as he may specially direct ; and he shall also have a right to inspect, or cause to be inspected, by some one by him duly authorized, all the books, papers, and accounts of the said corporation, of every kind, including the accounts of individuals, and to make, or cause to be made, an examination into the affairs, transactions, and condition of the corporation ; and the condition of the bank shall be published monthly, in such manner and with such particularity as the Secretary of the Treasury shall direct. And the said bank, and its offices of discount and deposit, shall be open at all times to the full and unrestricted inspection and examination of a committee of either House of Congress, a committee of the stockholders, and to each and all of the directors of the bank. And, for the purpose of securing a full and unrestricted inspection and examination as aforesaid, the Secretary of the Treasury, or any one by him duly authorized, or a committee of either House of Congress, may respectively summon and examine, under oath, all the directors, officers, or agents of the said corporation, and of any branch or agency thereof, and such other witnesses as they may think proper, in relation to the affairs, transactions, and condition of the corporation ; and any such director, officer, agent, or other person, who shall refuse, without justifiable cause, to appear and testify when thereto required, as aforesaid, shall,

on conviction, be subject to a fine not exceeding one thousand dollars, and imprisonment for a term not exceeding one year. And upon the question of any loan or discount exceeding one thousand dollars, where the same is granted, if any member shall dissent, the vote shall be taken by ayes and noes, and shall be entered on the books of the bank, and be subject to the same inspection as the other proceedings of said bank ; and no part of the proceedings of the bank, nor any loans, discounts, or payments made by it, nor any order given by it, shall be concealed or kept secret from the Government directors, nor shall said directors be excluded from the free and full participation in all the transactions and business of the institution.

18th. No note shall be issued of a less denomination than five dollars ; but Congress may hereafter, if it shall think fit, restrain the lowest denomination of notes to ten dollars ; nor shall the said bank, knowingly, increase the amount of the debts due to it, when the notes in circulation exceed three times the amount of specie in its vaults ; and whenever such excess takes place, it shall be the duty of the said corporation to return to such proportion as speedily as shall be safe and practicable.

19th. The debts due and becoming due to said bank shall never, at any one time, exceed the amount of the capital stock actually paid in, and seventy-five per cent. advance thereon.

20th. No paper shall be discounted or any loan made by said bank for a longer period than one hundred and eighty days ; nor shall any note, or bill, or other debt, or evidence of debt, be renewed or extended by any engagement or contract of said bank, after the time for which it was negotiated shall have expired.

21st. The said bank shall not hold any public debt or stocks, or the stocks of any incorporated institution, unless taken for the security or in satisfaction of debts previously contracted.

22d. The said bank shall not pay out the notes of any other bank, or any thing except legal coin, or its own notes.

23d. The directors of the said bank shall not, within the



District of Columbia, discount any promissory note or bill of exchange, nor make any loan whatever, except it be a loan to the Government of the United States according to the provisions of law.

24th. All notes or bills adapted and intended to circulate as money shall be prepared under the direction of the parent institution at Washington, shall be signed as hereinbefore provided for, and shall be made payable at the banking house in Washington, or at some one of the offices of discount and deposit, to be specified on the face of the note or bill, except notes of a denomination not exceeding ten dollars, which may be signed by the president and cashier of any office of discount and deposit at which they may be issued and made payable, but shall, nevertheless, be prepared at and authorized by the parent institution at Washington. And no notes or bills but such as are prepared and signed, as aforesaid, shall be issued by any of the said offices of discount and deposit: *Provided*, That nothing herein contained shall be so construed as to prohibit the said offices from selling drafts for fifty dollars and upwards, each, drawn and intended for the purpose of remittance.

The notes or bills of the said corporation, although the same be upon their face, respectively, made payable at a particular place only, shall, nevertheless, be received by the said corporation, or at any of its offices of discount and deposit, when tendered, in liquidation or payment of any debt or balance due to said corporation.

25th. The officers of the corporation shall not be permitted to borrow money from the said corporation, or contract any debt therewith, in any manner whatever; and no note or bill of which such officer is maker, drawer, endorser, acceptor, or otherwise a party, shall be discounted: *Provided*, That the entire liability of any one director of any of said offices to said corporation may exist to an amount not exceeding ten thousand dollars.

SEC. 12. *And be it further enacted*, That if the said corporation, or any person or persons for or to the use of the same, shall deal or trade in buying or selling any goods, wares, mer-



chandise, or commodities whatsoever, contrary to the provisions of this act, all and every person or persons by whom any order or direction for so dealing or trading shall have been given, and all and every person or persons who shall have been concerned as parties or agents therein, shall forfeit and lose treble the value of the goods, wares, merchandise, and commodities, in which such dealings and trade shall have been ; one half thereof to the use of the informer, and the other half thereof to the use of the United States, to be recovered in any action of law, with costs of suit.

SEC. 13. *And be it further enacted*, That if the said corporation shall advance or lend any sum of money, for the use or on account of the Government of the United States, to an amount exceeding one million of dollars, or for the use or on account of any particular State, to an amount exceeding one hundred thousand dollars (unless specially authorized by law), all and every person and persons, by and with whose order, agreement, consent, approbation, and connivance, such unlawful advance or loan shall have been made, upon conviction thereof, shall forfeit and pay for every such offence treble the value or amount of the sum or sums which have been so unlawfully advanced or lent ; one-fifth thereof to the use of the informer, and the residue thereof to the use of the United States.

SEC. 14. *And be it further enacted*, That the bills or notes of the said corporation originally made payable, or which shall have become payable on demand, shall be receivable in all payments to the United States, unless otherwise directed by act of Congress : *Provided, however*, That if the said bank, or any of its branches, shall at any time suspend specie payments, or shall neglect or refuse to discharge, on demand, any and all of its liabilities in specie, then its bills or notes shall not, during such suspension, be received in payment of any debt or demand of the United States ; and such suspension of specie payments shall be held and adjudged a cause of forfeiture of the charter hereby granted.

SEC. 15. *And be it further enacted*, That during the continuance of this act, and whenever required by the Secretary of the Treasury, the said corporation shall give the necessary facilities for transferring the public funds from place to place, within the United States or the Territories thereof, and for distributing the same in payment of the public creditors, and shall also do and perform the several respective duties formerly required of the pension agents and commissioners of loans for the several States, or of any one or more of them, without charging commissions, or claiming allowances on account of difference of exchange.

SEC. 16. *And be it further enacted*, That the deposits of the money of the United States in places in which the said bank and branches thereof may be established, shall be made in said bank or branches thereof, unless Congress shall otherwise direct by law, and that all public moneys in deposit in said bank, or standing on its books to the credit of the Treasurer, shall be taken and deemed to be in the Treasury of the United States, and all payments made by the Treasurer shall be in checks drawn on said bank : *Provided*, That if the said bank shall suspend specie payments during the recess of Congress, it shall be the duty of the Secretary of the Treasury to provide for the safe keeping of the public moneys until the action of Congress can be had thereon, and he shall report the same to Congress on the first day of the session next after such suspension.

SEC. 17. *And be it further enacted*, That the said corporation shall not at any time suspend or refuse payment, in gold and silver coin, of any of its notes, bills, or obligations, nor of any moneys received upon deposit in said bank, or any of its offices of discount and deposit ; and if the said corporation shall at any time refuse or neglect to pay, on demand, any bill, note, or obligation, issued by the corporation according to the contract promise, or undertaking, therein expressed, or shall neglect or refuse to pay, on demand, any moneys received in said bank, or in any of its offices aforesaid, on deposit, to the

person or persons entitled to receive the same, then, and in every such case, the holder of any such note, bill, or obligation, or the person or persons entitled to demand and receive such moneys as aforesaid, shall respectively be entitled to receive and recover interest on the said bills, notes, obligations, or moneys, until the same shall be fully paid and satisfied, at the rate of twelve per cent. per annum, from the time of such demand aforesaid: *Provided*, That Congress may, at any time hereafter, enact laws enforcing and regulating the recovery of the amount of the notes, bills, obligations, or other debts, of which payment shall have been refused as aforesaid, with the rate of interest above mentioned, vesting jurisdiction for that purpose in any courts of the United States, or Territories thereof, as they may deem expedient.

Sec. 18. *And be it further enacted*, That if any person shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting, any bill or note in imitation of, or purporting to be, a bill or note issued by order of the said bank, or any order or check on the said bank or corporation, or any cashier thereof; or shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist in falsely altering any bill or note issued by order of the said bank, or any order or check on the said bank or corporation, or any cashier thereof; or shall pass utter, or publish, or attempt to pass, utter or publish, as true, any false, forged, or counterfeit bill or note, purporting to be a bill or note issued by order of the said bank, or any false, forged, or counterfeited order or check upon the said bank or corporation, or any cashier thereof, knowing the same to be falsely forged or counterfeited; or shall pass, utter, or publish, or attempt to pass, utter, or publish, as true, any falsely altered bill or note issued by order of the said bank, or any falsely altered order or check on the said bank or corporation, or any cashier thereof, knowing the same to be falsely altered, with intention to defraud the said corporation, or any other body politic or person; or shall sell, utter,

or deliver, or cause to be sold, uttered or delivered, any forged or counterfeit note or bill in imitation of or purporting to be, a bill or note issued by order of the said bank, knowing the same to be false, forged, or counterfeited, every such person shall be deemed and adjudged guilty of felony ; and, being thereof convicted by due course of law, shall be sentenced to be imprisoned and kept to hard labor for not less than three years nor more than ten years ; or shall be imprisoned not exceeding ten years, and fined not exceeding five thousand dollars : *Provided*, That nothing herein contained shall be construed to deprive the courts of the individual States of a jurisdiction, under the laws of the several States, over any offence declared punishable by this act.

Sec. 19. *And be it further enacted*, That if any person shall make or engrave, or cause or procure to be made or engraved, or shall have in his custody or possession any plate, engraved after the similitude of any plate from which any note or bills issued by the said corporation shall have been printed, with intent to use such plate, or cause or suffer the same to be used, in forging or counterfeiting any of the notes or bills issued by the said corporation ; or shall have in his custody or possession any blank note or notes, bill or bills, engraved and printed after the similitude of any notes or bills issued by said corporation, with intent to use such blanks, or cause or suffer the same to be used, in forging or counterfeiting any of the notes or bills issued by the said corporation ; or shall have in his custody or possession any paper adapted to the making of bank notes or bills, and similar to the paper upon which any notes or bills of the said corporation shall have been issued, with intent to use such paper, or cause or suffer the same to be used, in forging or counterfeiting any of the notes or bills issued by the said corporation, every such person, being thereof convicted by due course of law, shall be sentenced to be imprisoned for a term not exceeding five years, and fined in a sum not exceeding one thousand dollars.

Sec. 20. *And be it further enacted*, That if any officer, agent,

or servant of the said bank, shall embezzle or appropriate to his own use any moneys, goods, effects, or funds of the said bank, with intent to cheat or defraud the said corporation, or shall make false entries upon the books of the said bank, with intent to defraud the said corporation, or any other person whatsoever, such officer, agent, or servant, shall be deemed guilty of felony, and, on conviction thereof, shall be fined at the discretion of the court, and imprisonment not exceeding six years.

SEC. 21. *And be it further enacted*, That no other bank shall be established by any future law of the United States during the continuance of the corporation hereby created : *Provided*, That Congress may renew or modify the charters of the banks heretofore established within the District of Columbia, or establish other banks within and for the use of the said District, so that the aggregate capital of all the banks chartered for the said District shall not exceed the sum of five millions of dollars. And notwithstanding the expiration of the term for which the said corporation is created, it shall be lawful to use the corporate name, style, and capacity, for the purpose of suits, and for the final settlement and liquidation of the affairs and accounts of the corporation, and for the sale and disposition of their estate, real, personal, and mixed ; but not for any other purpose, or in any other manner whatever, nor for a period exceeding two years after the expiration of the said term of incorporation.

Sec. 22. *And be it further enacted*, That if the subscriptions and payments to said bank shall not be made and completed so as to enable the same to commence its operations, or if the said bank shall not commence its operations on or before the first Monday in January next, then, and in that case, Congress may, at any time within twelve months thereafter, declare, by law, this act null and void.

Sec. 23. *And be it further enacted*, That whenever a committee of either House of Congress, appointed to inspect the books and to examine into the proceedings of the corporation



hereby created, shall report that the provisions of this charter have been by the same violated, or the President of the United States shall have reason to believe that the charter has been violated, it may be lawful for Congress to direct, or the President to order, a scire facias to be sued out of the Circuit Court of the United States for the District of Columbia, in the name of the United States (which shall be served upon the President of the corporation for the time being, at least fifteen days before the commencement of the term of said court), calling on the said corporation to show cause wherefore the charter hereby granted shall not be declared forfeited ; and it shall be lawful for the said court, upon the return of the said scire facias, to examine into the truth of the alleged violation ; and if such violation be made to appear, then to pronounce and adjudge that the said charter is forfeited and annulled : *Provided, however,* That every issue of fact which may be joined between the United States and the corporation aforesaid shall be tried by a jury. And it shall be lawful for the court aforesaid to require the production of such of the books or papers of the corporation as it may deem necessary for the ascertainment of the controverted facts ; and the final judgment of the court aforesaid shall be examinable in the Supreme Court of the United States by writ of error, and be there reversed or affirmed, according to the usages of the law.

SEC. 24. *And be it further enacted,* That if the said corporation shall assume or exercise any franchise or privilege, or attempt to carry on any business not allowed by this act, it shall be lawful for the Attorney General of the United States, under the direction of Congress, or the President of the United States, to file an information, in the nature of a bill in equity, in the Circuit Court of the United States for the District of Columbia, to restrain by injunction the said bank from assuming or exercising such franchise or privilege, or transacting such business. And the said court may issue temporary or perpetual writs of injunction, direct such course of proceedings, and make all such orders and decrees, on such information as may

be consonant with the course of such court in cases in equity :  
*Provided*, That no final decree shall be made in any such case, unless the issues of fact joined therein shall be first found by a jury ; and that, from such final decree, an appeal may be taken to the Supreme Court of the United States.

EXTRACT FROM HIS REPORT AS SECRETARY OF THE NAVY.

*Explorations and Surveys.*

**D**URING the past year the attention of this Department, in conjunction with the Department of State, has been directed to the employment of the East India squadron in an enterprise of great moment to the commercial interests of the country—the endeavor to establish relations of amity and commerce with the empire of Japan.

The long interdict which has denied to strangers access to the ports or territory of that country, and the singularly inhospitable laws which its government has adopted to secure this exclusion, having been productive, of late years, of gross oppression and cruelty to citizens of the United States, it has been thought expedient to take some effective measure to promote a better understanding with this populous and semi-barbarous empire ; to make the effort not only to obtain from them the observance of the rights of humanity to such of our people as may be driven by necessity upon their coasts, but also to promote the higher and more valuable end of persuading them to abandon their unprofitable policy of seclusion, and gradually to take a place in that general association of commerce in which their resources and industry would equally enable them to confer benefits upon others and the fruits of a higher civilization upon themselves.

The extension of the domain of the United States to the shores of the Pacific, the rapid settlement of California and Oregon, the opening of the highway across the Isthmus of Cen-

tral America, the great addition to our navigation employed in trade with Asiatic nations, and the increased activity of our whaling ships in the vicinity of the northern coast of Japan, are now pressing upon the consideration of this Government the absolute necessity of reviewing our relations to those Eastern communities which lie contiguous to the path of our trade. The enforcement of a more liberal system of intercourse upon China has met the approval of the civilized world, and its benefits are seen and felt, not less remarkably in the progress of that ancient empire itself than in the activity which it has already imparted to the pursuit of Eastern commerce. China is awaking from the lethargy of a thousand years to the perception of the spirit of the present era, and is even now furnishing her quota to the adventure which distinguishes and stimulates the settlement of our western coast.

These events have forced upon the people of America and Europe the consideration of the question, how far it is consistent with the rights of the civilized world to defer to those inconvenient and unsocial customs by which a nation capable of contributing to the relief of the wants of humanity shall be permitted to renounce that duty ; whether any nation may claim to be exempt from the admitted Christian obligation of hospitality to those strangers whom the vocations of commerce or the lawful pursuits of industry may have incidentally brought in need of its assistance ; and the still stronger case, whether the enlightened world will tolerate the infliction of punishment or contumelious treatment upon the unfortunate voyager whom the casualties of the sea may have compelled to an unwilling infraction of a barbarous law.

These are questions which are every day becoming more significant. That oriental sentiment which, hardened by the usage and habit of centuries, has dictated the inveterate policy of national isolation in Japan, it is very apparent, will not long continue to claim the sanctity of a national right to the detriment of the cause of universal commerce and civilization, at this time so signally active in enlarging the boundaries of

human knowledge and the diffusion of comfort over the earth. The day has come when Europe and America have found an urgent inducement to demand of Asia and Africa the rights of hospitality, of aid and comfort, shelter and succor, to the men who pursue the great highroads of trade and exploration over the globe. Christendom is constrained, by the pressure of an increasing necessity, to publish its wants and declare its rights to the heathen, and in making its power felt will bring innumerable blessings to every race which shall acknowledge its mastery.

The Government of the United States has happily placed itself in the front of this movement, and it may be regarded as one of the most encouraging guarantees of its success that the expedition which has just left our shores takes with it the earnest good wishes, not only of our own country, but of the most enlightened communities of Europe. The opening of Japan has become a necessity which is recognized in the commercial adventure of all Christian nations, and is deeply felt by every owner of an American whaleship and every voyager between California and China.

This important duty has been consigned to the commanding officer of the East India squadron, a gentleman in every respect worthy of the trust reposed in him, and who contributes to its administration the highest energy and ability, improved by long and various service in his profession. Looking to the magnitude of the undertaking, and the great expectations which have been raised both in this country and in Europe in reference to its results, to casualties to which it may be exposed, and the necessity to guard it, by every precaution within the power of the Government, against the possibility of a failure, I have thought it proper, with your approbation, to increase the force destined to this employment, and to put at the disposal of Commodore Perry a squadron of unusual strength and capability. I have therefore recently added to the number of vessels appropriated to the command the line-of-battle-ship *Vermont*, the corvette *Macedonian*, and the



steamer Alleghany. These ships, together with the sloop-of-war Vandalia, originally intended to be assigned to the squadron, and with the ships now on that station, the steamer Susquehanna, and the sloops-of-war Saratoga and Plymouth—a portion of which are now near to the term of their cruise—will constitute a command adapted, we may suppose, to any emergency which the delicate nature of the trust committed to the Commodore may present. It is probable that the exhibition of the whole force, which will be under the command of Commodore Perry during the first year, will produce such an impression upon a government and people who are accustomed to measure their respect by the array of power which accompanies the demand of it, as may enable him to dispense with the vessels whose term of service is drawing near to a close, and that they may be returned to the United States without any material prolongation of their cruise.

A liberal allowance has been made to the squadron for all the contingencies which the peculiar nature of the enterprise may create. The commanding officer is furnished with ample means of defence and protection on land as well as sea ; with the means, also, of procuring despatch vessels, when necessary, transports for provision and fuel, and for such other employment as may be required. Special dépôts of coal have been established at various points, and abundant supplies provided. He has, in addition to the instructions usually given to the squadron on this station, been directed to avail himself of such opportunities as may fall in his way to make as accurate surveys as his means may allow of the coasts and seas he may visit, and to preserve the results for future publication for the benefit of commerce.

Somewhat allied in character and importance to these projected operations of the Japan squadron is the expedition now prepared for the exploration and survey of the China seas, the Northern Pacific, and Behring's Straits. The naval appropriation bill of the last session of Congress put at the disposal of this Department one hundred and twenty-five thousand dollars

“for the building or purchase of suitable vessels, and for prosecuting a survey and reconnoissance for naval and commercial purposes of such parts of Behring’s Straits, of the North Pacific Ocean, and the China seas as are frequented by American whaleships and by trading vessels in their routes between the United States and China.”

Very earnestly concurring with Congress in the importance of this exploration and survey, I lost no time in the arrangement and preparation of what I hope will prove itself to be a most effective and useful expedition. As the act of Congress has confided to the discretion of this Department the selection of the vessels which may be found necessary for the prosecution of this enterprise, the equipment and distribution of the force it may require, and the organization of every matter of detail connected with it, limited only by the amount of the appropriation, I have thought I should best accomplish the object proposed and gratify the expectation of the country by giving to the expedition the benefit of such naval resources as the Department could command, rather than confine it to such limited supply as would have resulted from either building or purchasing vessels and providing for the other details of this service out of the fund entrusted to the Department. With this fund so applied the Department would have been constrained to organize the expedition upon a scale which I conceive to be altogether inadequate to the nature of the labor required, and which indeed would have been almost certain to end in the failure to accomplish such results as Congress had contemplated. Looking to the amount which it would have been necessary to reserve in order to provide for the special contingencies of such an expedition, it would have been impracticable to procure, by the application of the remaining portion of the appropriation, more than one steamer of an inferior class, and perhaps two small brigs, to constitute the force to be used in the undertaking. It is doubtful if even this equipment could have been obtained by such an appropriation of the fund. The absolute necessity of altering, strength-

ening, and arranging any vessel which might be purchased, so as to adapt it to the character of the service required, and give reasonable assurance of safety and success, would have drawn so largely upon the appropriation as to reduce the outfit to a limit quite incompatible with the object expected to be attained.

This cruise of exploration and survey, destined to equal employment in the tropics and the arctic regions, and required to traverse the broad expanse of the Pacific among dangerous and unknown shoals, and in search of islands and rocks misplaced upon our charts, and therefore the more perilous to the navigator, will find enough, and more than enough, of labor to occupy it during the next three years. Its toilsome duties, exacting ceaseless vigilance and all the skill of seamanship, will be inevitably enhanced by the disease incident to varying climates and exposure to the peculiar casualties to boat navigation and contests with the savage islanders of the seas it is destined to explore. I have therefore deemed it indispensable that at least one large vessel should be always at hand to afford a change of quarters to those who may be disabled, and to supply reliefs of fresh men to take the place of those who may be broken down by sickness or accident. It is impossible to maintain the health of the crews of the small vessels in so long a service without the comforts which such a change may afford. These surveys also require an extra supply of men beyond the usual complement destined to our cruising ships, there being constant occasion for detachments in boats to conduct the operation of measuring and determining the position and bearings of the shoals and islands which it is the purpose of the enterprise to ascertain.

In consideration of all these conditions, and many others of a kindred nature, I have determined to give to this little squadron every facility which the resources at my command have enabled me to supply. I have accordingly put the *Vincennes*, one of our staunchest and best sloops of war, in the lead of the expedition. I have added to this the propeller *John Hancock*, which, being found to have an engine of the

strongest construction, needed only some alterations in her size and frame and the addition of new boilers to make her in every respect a most efficient contribution to the force required. She has, with this view, been placed in the hands of the naval constructor, who is now assiduously at work, and I am happy to report with all desirable success, in fitting her out with every accommodation which her future operations may demand. Besides these two vessels, the brig *Porpoise* has been detailed for the expedition, and put in condition for all the exigencies of her employment. A small pilot-boat, adapted to speedy navigation and shallow waters, will be added to the squadron. These vessels, fully manned and equipped and furnished with all the necessaries appropriate to the hazardous nature of their cruise, constitute the material elements of the expedition.

To promote the scientific objects contemplated by the reconnoissance, I have supplied the squadron with an astronomer and hydrographer of known ability and accomplishment, and also with a naturalist and botanist, who are charged with the duty of collecting and preserving specimens of such natural productions as may be interesting to science and commerce.

The squadron is placed under the command of an officer already distinguished by his participation in a former Exploring Expedition, and well known for the valuable contributions he has made to the hydrographical surveys of our western coasts—Commander Ringgold, whose professional accomplishment and devotion to the service eminently qualify him for the duty committed to him. He will be able, I hope, to take his departure in a few weeks, and will sail directly to the Pacific doubling Cape Horn and proceeding by the Sandwich Islands to Behring's Straits, where he may be expected to arrive at the opening of the season for operations in that quarter. It is designed to employ the expedition during each year in the reconnoissance of these high latitudes from June until October, this being the only season in which the surveys may be prosecuted in those regions. The remaining portions of each year



will be devoted to the prosecution of survey and exploration in the lower latitudes, along the coast of Japan, the China Seas, and the routes of navigation between our ports on the Pacific and the East Indies. Particular attention will be given to the survey of the seas and coasts through and along which our whaling ships pursue their perilous trade, looking carefully to the coast of Japan, the Kurile Islands, the sea of Okhotsk, and the unexplored shores of Northern Asia.

The commander of the expedition is made fully aware of the necessity and value of an accurate survey of the various lines of navigation between California and China, and will bestow upon this undertaking an attention commensurate with its importance. He is directed to make frequent reports of his work, in order that no time may be lost in communicating to the country the results, together with descriptive charts of his survey, for the benefit of commerce and navigation. These will be duly published as often as they are received by the Department.

Being persuaded that this Department cannot better contribute to the fulfilment of the high expectations which the country has ever entertained as to the value of the navy, nor perform a more acceptable duty to the navy itself, than by imparting to this arm of the national power the highest spirit of enterprise, as well as the greatest efficiency of action, I have sought every opportunity to put in requisition for useful service the various talent, skill, and ambition of honorable adventure, which equally distinguish and embellish the professional character of the officers under the control of the Department. Constant employment of ships and men in the promotion of valuable public interests, whether in the defence of the honor of our flag, or in the exploration of the field of discovery and the opening of new channels of trade, or in the enlarging of the boundaries of science, I am convinced will be recognized both by the Government and the people as the true and proper vocation of the navy, and as the means best calculated to nurse and strengthen that prompt and gallant devotion to duty which



is so essential to the character of accomplished officers, and so indispensable to the effectiveness of the naval organization.

Acting in conformity with this opinion, I have availed myself of events that favored the object to set on foot two other expeditions, which may be classed with those which I have just presented to your notice, and from which I have every reason to hope much good is to be derived hereafter. My attention has been invited by the Colonization Society of Pennsylvania to the necessity of prosecuting some researches into the character of the continent of Africa, and especially that portion of it lying eastward of the settlements of Liberia. It is supposed that an exploration of this region would lead to the discovery of a broad tract of fertile and healthy country, well adapted to the extension of that system of colonization which for some years past has greatly interested the public attention, and more recently attracted the favorable consideration of Congress.

The proposition submitted to my view by the society, and referred to your approval, I regard as one which may be rendered productive of great public advantage, and in regard to which you might confidently bespeak and anticipate the approbation of the country. I have therefore not hesitated, with your concurrence, to give it the aid which it was in the power of the Department to bestow. As I could not, however, without some special appropriation to the object, organize a full and effective expedition for the prosecution of this enterprise. I have thought that, by the employment of such means as have been provided for the ordinary exigencies of the service, I might profitably prepare the way for such an expedition as Congress might hereafter think it fit to authorize. I have accordingly directed a preliminary investigation to be made by an officer of the navy, whom I have attached to the African squadron, with orders to devote the months of the coming winter to an examination of the necessary conditions which this undertaking may require.

In Commander Lynch, to whom the country is already indebted for important service in another field, I have found a

prompt and ardent volunteer for this employment. He is now on his way to the African coast. He will land at Liberia, Cape Palmas, and other points, and will pursue his inquiries as far as the river Gaboon, with a view to the ascertainment of such localities on the margin of the African continent as may present the greatest facilities, whether by the river courses or by inland routes, for penetrating with least hazard to the interior. He will collect information touching the geographical character of the country, its means of affording the necessary supplies of men and provisions, the temper of the inhabitants, whether hostile or friendly, the proper precautions to be observed to secure the health of a party employed, and all other items of knowledge upon which it may be proper hereafter to prepare and combine the forces essential to the success of a complete and useful exploration of the interior. In the performance of this duty, under the most favorable circumstances, he will encounter the perils of a climate famed for its unwholesome influence upon the white man, and may hardly hope to escape the exhibition of hostility from the natives. The spirit which has prompted him to court this perilous adventure, so honorable to his courage and philanthropy, I trust will enable him to brave every hazard with success ; to overcome every obstacle in his progress, and to reserve himself for the accomplishment of the great object to which these preparations are directed. In the mean time, I most earnestly commend the subject of the exploration to the early and favorable attention of Congress, with the expression of my own conviction that there is no enterprise of the present day that deserves a higher degree of favor, or that will more honorably signalize the enlightened policy of this Government in the estimation of the present or of future generations. It will require a liberal appropriation of money, and an enlarged discretion to be confided to the Navy Department for the organization and arrangement of a plan of operations which must embrace the employment of a number of men, the supply of boats, armaments, and tools, and the enlistment of such scientific aid as

a long and laborious inland exploration, beset with many dangers and difficulties, will suggest.

With a view to the preparatory operations of Commander Lynch, and also in consideration of the need which the African squadron has at all times for such an auxiliary, I have directed the small steamer *Vixen* to be prepared without delay and sent to that coast, to constitute a part of the force under the command of Commodore Mayo, who is about to take charge of the squadron. He will be instructed to furnish Commander Lynch with every facility which his position may allow. A small sum of money has also been placed at the disposal of Commander Lynch for the contingencies of his present service.

The second expedition to which I have referred has grown out of the recent decree of the Provisional Director of the Argentine Confederation, which has very lately reached this country, and which now throws open to navigation that long-sealed and excluded country lying upon the tributaries of the river La Plata. The Uruguay and the Parana are at last opened by this decree to the access of all nations who may choose to seek the new associations which they offer to the spirit of adventure. A vast territory of boundless resource, proverbial for its treasures of vegetable and mineral wealth, extending like the Mississippi, from south to north, and reaching through twenty-four parallels of latitude, with every climate between the temperate and torrid zones, and with every variety of product which may be gathered from the alluvial plains of the ocean border to the heights of the Andes—this is the field into which the liberal decree of President Urquiza has invited the enterprise of our country, as well as of other nations, who will be equally prompt to pursue it. We have waited with anxiety for the occasion to add this new resource to the industry of our people ; and I am sure it will gratify the commercial pride and please the emulous ambition of the nation, not less than it will secure great and permanent advantages to its trade, to have the American flag and a national vessel the first to receive the greetings of the population who, at the foot of the Andes, and along the

navigable waters of inland Brazil, Bolivia, and Paraguay, are ready to welcome the first messenger of commerce and throw their treasures into his hands.

Anticipating the near approach of this opportunity, with your approval, I admonished Lieutenant Page, before it arrived, to hold himself in readiness for an exploration of these rivers, and directed the steamer *Water Witch* to be put in condition for the service. She is now nearly equipped, and Lieutenant Page will be ready to take his departure at the first moment that the steamer may be fit to receive him. He is provided with an able crew, well adapted to the nature of his expedition, and seconded by officers chosen for their efficiency, both in the sphere of seamanship and scientific labor. A few boats are provided, adapted to the navigation of the upper streams above their falls; and the equipment, though of simple and unexpensive kind, will be in all respects such as may enable Lieutenant Page to accomplish the duty assigned to him.

These four expeditions, each of them of a highly interesting character, and likely to be productive of results which will be beneficially felt and acknowledged long after the men who may procure them shall have passed away, constitute, in great part, the chief and most important topics which have engrossed the care of the Navy Department during the past year.

It gives me pleasure to report, in connection with these, the return of Lieutenant Herndon, to whom was consigned, in conjunction with Passed Midshipman (now Lieutenant) Gibbon, an exploration of the valley of the river Amazon, and its tributaries. These officers were directed to cross the Cordilleras in Peru and Bolivia, and by a selection of the most judicious routes of travel, with a small company of men, for the employment of whom means were furnished by this Department, to explore the valley of the Amazon, and to descend that river to the sea. More than a year has been spent in the active prosecution of this duty. Lieutenant Herndon reached the United States in July last, bringing with him a large amount of interesting and useful facts, industriously collected by him



in the course of his long and hazardous journey, embracing many valuable statistics of the country, and adding most important contributions to the hitherto unknown geographical character of the country. He is now engaged in preparing a full report of the incidents and discoveries of his travel, which will be communicated to you as soon as it is placed in possession of this Department. I beg to commend Lieutenant Herndon to your special approbation and thanks for the intelligence and ability, and yet more for the high professional zeal, he has exhibited in the performance of his difficult and honorable duty.

Lieutenant Gibbon, having taken a different route from that of Lieutenant Herndon, has not yet arrived, but may be expected in the course of the winter. When he returns to this city the result of his work will be submitted to your notice.

The brig *Dolphin*, which was employed during the last year, under the command of Lieutenant Lee, in a survey of portions of the Atlantic, for the purpose of ascertaining the position of some dangerous rocks and shoals which were known to exist in the routes of navigation between the United States and Europe, has performed useful service, of which the results will be communicated to Congress. This work being yet incomplete, the *Dolphin* has again been dispatched on a second cruise of the same character, under the command of Lieutenant Berryman, and may be expected to accomplish a work which will tend, in no small degree, to lessen the hazards which have hitherto embarrassed the voyages of our merchant marine.

Lady Franklin, whose devotion to the cause of her unfortunate husband has excited so large a sympathy in the United States, has been encouraged to make another effort to determine the fate of the gallant navigator of the Arctic sea, and is now intent upon the organization of a new expedition under the auspices of our countrymen, Mr. Henry Grinnell, and Mr. George Peabody, of London. Their endeavor will be directed to an exploration of the upper coasts of Greenland, by land as



well as by sea, and will furnish occasion for valuable scientific observation tending to the ascertainment of the magnetic poles and the intensity and dip of the needle, and interesting also to geological questions connected with the supposed existence of an open polar sea, and other subjects of much importance in the natural history of our globe. Apart, therefore, from its main object, there is much in the projected expedition to excite a high degree of interest in its results both in Europe and America.

The distinguished lady whose sorrows have inspired this zeal of adventure, and whose energy has given it an intelligent and hopeful direction, has done no more than justice to a meritorious young officer of our navy, Passed Assistant Surgeon Kane, in asking his co-operation in this hazardous exploit. Dr. Kane has already won a high praise from his countrymen by his intrepid perseverance in facing the extraordinary dangers of the last expedition on the same errand to the Arctic sea, and still more by the diligence which, guided by scientific accomplishments, has enabled him to contribute a valuable fund towards the illustration of a subject that now engrosses an unusual share of learned investigation.

The request of Lady Franklin to enlist Dr. Kane in the new expedition has been communicated to me, and I have not delayed to give him the necessary permission, and to confer upon him all the benefit he may derive from his position in the navy, by an order which puts him upon special service. If it should become requisite in the field of operations to which he is destined to provide him with means for the prosecution of scientific discovery, beyond those which may be afforded by the Department and the liberality of the distinguished gentlemen who have assumed the charge of this expedition, I would commend it to the enlightened regard of Congress, with the most confident hope that that body will respond to the suggestions of this necessity with a prompt appreciation and generous support of an undertaking so honorable to humanity and so useful to the enlargement of liberal science.

*The Naval Academy.*

The Naval Academy at Annapolis presents to the regard of Congress an institution worthy of the highest encouragement.

Under a judicious and energetic administration it has now reached a stage in its progress which may enable the Government to form a satisfactory estimate of its influence in promoting and sustaining the future efficiency of the navy.

The school has grown up to its present stage in the progressive expansion and improvement of a design which, in its origin, forbade the adoption of a comprehensive and permanent system of naval education. It was at first contrived to supply nothing more than the opportunity of prosecuting a few useful studies to a class of occasional students, who were subject to all the interruptions of details for service at sea, and who were, therefore, not in a condition to conform to the requirements necessary to a regular course of professional instruction. The obvious insufficiency of this mode of study soon suggested the necessity for a more methodical arrangement. A plan was accordingly devised in 1850, to take effect at the commencement of the next term of October, 1851, by which all the acting midshipmen of the date of that and subsequent years should be inducted into the school in its lowest class, and proceed in due order through a prescribed course of naval education, which is specifically adapted to a term of four years. The series of studies appropriate to each year was defined, the practice of gunnery and seamanship established, and the whole organization, as it now exists, completed. The classes were so contrived also as to receive, according to an appointed succession, the acting midshipmen of dates prior to 1851, who by this provision will, in the space of the next three years, have had the opportunity of graduating in the school.

The admissions of acting midshipmen to the navy, and consequently to the academy, have been regulated and limited

by several laws, of which the combined import now is to give to each State and Territory its relative proportion of appointments, determined by the ratio of representation in Congress and its relation to the whole number of acting and passed midshipmen allowed to the navy. To this determination of the quota of appointments appropriated to each State and Territory there has been added an allotment of a fractional share to each Congressional district, and the nomination for each district has been conferred upon the member representing it.

The whole number of midshipmen, including past midshipmen, allowed to the navy, is four hundred and sixty-four. The number of representatives and delegates, according to the last census, is two hundred and thirty-nine. Each representative, therefore, is entitled by the existing law to the nomination of one candidate and a fraction equal to  $225.239$ .

No provision has been made for the disposition of these fractions, and I have therefore thought myself bound, in the absence of any other regulation, to consult the wishes of at least a majority of the representatives entitled to the fractional part in receiving a nomination to supply the vacancy.

As the school does not contain more than a fourth of the midshipmen belonging to the navy, and as the vacancies in the number of students are dependent altogether upon the promotions to the grade of lieutenants and upon the resignations, dismissals, and deaths in each year in the corps of midshipmen, the annual nominations to the school must, when the entire complement of midshipmen is regularly filled, be comparatively but few in number. The present condition of the service supplies but a small ratio of promotions; and, if it were not for the operation of the resignations, dismissals and deaths, it is manifest that the yearly recruits to be added to the school would be so inconsiderable in numbers as to forbid any hope of extensive usefulness; while the fluctuating character of these causes which produce the vacancies tends to a result scarcely less injurious.

It is, indeed, the most obvious defect in the present organ-

ization of the academy that its supply of students is liable to these contingencies ; for while the classes are advancing by regular steps, through the course of four years' study, to the term at which they must leave the school and enter into the field of active service, the vacancies which they create are dependent upon such a limited fund of supply as must ultimately reduce the number of pupils below the quota which is essential to the administration of the system.

That this defect has not already been visible in the career of the academy is to be ascribed only to the fact that, up to the present time, the members of the institution have been recruited from the grade of midshipmen who have been employed at sea previous to the new arrangements, adopted and commenced with the class of 1851. The classes heretofore have been furnished out of this corps, in addition to the annual nominations. When this resource is exhausted and the school is dependent on the yearly nominations alone, the defect to which I have referred will be fully seen and felt. It will then be manifest that the whole number at the school cannot exceed, at any time, the number of promotions added to the occasional vacancies occurring in the corps of midshipmen and past midshipmen in four years.

It is to remedy this defect, and to give the school an inherent power necessary to its own perpetuation, and to make it what I am sure the country desires to see it, a vigorous and healthful institution, completely adapted to the useful ends for which it was ordained, that I propose, with your approbation, to submit to Congress the following change in its fundamental structure.

The academy should be composed exclusively of cadets, or young men who are received as candidates for admission to the navy. Its design should be that of a preparatory school to qualify these candidates for appointments, and they should only be in condition to be selected for midshipmen when they had successfully passed through this probation.

If this principle be adopted as the ground-work of the



plan, then the whole number of cadets to be nominated for the school may be established by law. For the present, I suggest that this number may be fixed at two hundred and forty-eight. It may be altered as future experience may require. Of this number of two hundred and forty-eight who are to be furnished to the academy every four years, one-fourth, or sixty-two, should be nominated for admission at the commencement of each yearly term, to constitute the first or lowest class of the school. Of this whole number of two hundred and forty-eight, two hundred and twenty-eight might be allotted to the nomination of members of Congress, apportioning them to each State according to the ratio of representation, and requiring the nomination to the vacancies to be made, not by the representative singly, but by the united counsel and action of the whole representation of each State, including Senators and Representatives. The remaining twenty of the two hundred and forty-eight may be given with advantage to the President.

By this arrangement Congress would be called on to nominate fifty-seven cadets every year, and the President five.

The classes would thus commence their career with sixty-two members, and this number, or so many of them as are not dropped in the progress of the four years, would represent the annual number of graduates. Provision, of course, should be made for the gradual absorption of all those acting midshipmen who, under the present system, are not disposed of. In a few years they must disappear, after which the organization of the cadets would be undisturbed.

In addition to this number of sixty-two nominations to be made in each year, Congress and the President would also have the appointment to such vacancies in the new class as might arise out of the failure of the first candidates to pass the preliminary examinations required at their admission. The vacancies occasioned by subsequent examinations, and by the other causes operating during the progress of the classes through the term of the four years, I propose should not be



filled ; but the classes, after their commencement, should advance to the end of the term of study, subject to all the incidents of their career which may reduce their numbers. The propriety of this provision will be recognized when it is observed that a vacancy occurring in any class after it has become advanced in its studies could not be supplied, at that advanced stage, by a new appointment to the school. The class would still go on in its reduced state, while the supply of a vacancy occurring in it could only operate to the undue increase of the lowest class of beginners, and would thus produce a periodical and inconvenient increase of graduates for whom no allotment could be made in the navy.

Assuming sixty-two as the number which shall always be supplied to the lowest class or beginners of the school, we have reason to believe, from the data afforded by the experience of West Point, that the annual number of graduates would not exceed some twenty-five or thirty, it being found, in the general operation of the system, that the graduates do not bear a greater average proportion to the admissions than forty per cent. Upon this basis it may be estimated that these twenty-five or thirty may be looked to as the ordinary yearly resource for the supply of young officers to the navy.

I propose, in the next place, that the law should establish the corps of midshipmen for the service at two hundred and fifty. These should be recognized as midshipmen only, and be subject to all the understood and appropriate duties of that class of officers. They should then be consigned to service on board of ships of war, and, after six months' employment at sea, should, upon examination and approval by a competent board, be entitled to the midshipman's warrant, bearing the date of the graduation at the school ; and after three years' service at sea and another examination, they should be noted for promotion to a higher grade, which I propose should be created by law, and denominated masters. The grade of passed midshipmen should be abolished as soon as the gradual promotion of the corps may allow. It is an anomaly in the

naval service, presenting a class of officers to whom no duty is specifically assigned, and constantly engendering discontent when the duties of ordinary midshipmen are required of it. This class now perform the duty of masters, and I think it but proper that the duty and the rank should be associated by law. The change would require no increase of pay, and would, I have no doubt, be productive of good effects.

The grade of masters might be established at one hundred, and might at once be filled by appointing to it that number of passed midshipmen. The ultimate result of this plan would give, when all the present passed midshipmen shall have been absorbed in the regular course of promotion, two hundred and fifty midshipmen and one hundred masters to occupy the space now filled by the corps of four hundred and sixty-four officers—a reduction of one hundred and fourteen. This reduction of course would increase the ratio of promotion to the corps of lieutenants, and would leave a sufficient complement for all the demands of the service, estimated by the present size of the navy. A future increase of the navy would suggest a proportionate increase of officers of every grade.

The promotions incident to this organization of the corps—that is to say, of two hundred and fifty midshipmen and one hundred masters—would supply about twenty-five vacancies a year. The present number of higher officers furnish something near this yearly average, and there is no reason to suppose that it will be reduced in future ; the more active service of the navy, even on the present establishment, may rather increase it. The school, therefore, may be regarded as subject to an annual demand for this number of its graduates to be advanced into the regular line of service. Estimating the number of graduates at twenty-five, the whole of them would thus find position and employment ; an increase of thirty would of course give a remainder of five, which may also be disposed of.

I propose, in further organization of this system, to construct a scientific corps in the navy, to be established as the hydro-

graphical corps ; this corps to be designed, in its first formation, upon a basis which shall provide for thirty masters, thirty lieutenants, fifteen commanders, and five captains—making eighty in all. It should be especially educated for that scientific professional service in which some portion of the navy is constantly employed. Its chief duties should be connected with hydrographical surveys, astronomical observations, construction of charts, preparation and improvement of ordnance, the supervision of naval architecture and machinery, and the direction of civil engineering in the construction of docks and other structures requiring scientific knowledge and skill.

The corps should be entirely separate from and independent of the regular naval service. Its line of promotion should be confined to its own organization, and its government should be under its own proper officers. In addition to the duties assigned to it on shore and in hydrographical surveys, some portion of it might be appropriated to service at sea, and one or more officers of the corps might be introduced into the complements of squadrons on foreign or home service. An experienced officer of this corps would find useful and active duty upon every cruise. It should be left to the Navy Department to regulate the character and contingencies of this service and to make all the necessary rules and orders for its application.

This corps should be built up under the direction of the Secretary of the Navy from the material afforded by the academy, with such additions to it, in its commencement, from the regular line of naval service, as in his judgment the qualifications of the present officers might enable him to make with advantage.

With a view to the supply of this corps from the academy, I propose that, upon the yearly examination of the graduates, the Board of Examination shall be directed to bestow a close attention upon the class submitted to them, in order to ascertain the particular adaptation of any of the graduates to this species of service, and that they shall report to the Department the names of such as they may find qualified by study, talent,

and acquirement for admission to the corps ; and if, upon this report, the students so designated shall consent to enter the corps, they, or so many of them as the established complement of the hydrographical corps may require, shall be appropriated to that service ; and, upon being so appropriated, they shall be returned to the academy for an additional course of study of two years, during which they shall be employed in obtaining a thorough knowledge of the higher branches of civil engineering, hydrography, astronomy, mechanism, and gunnery, in conformity with the best system of instruction which the academy may be able to furnish. At the end of this probation of two years they shall be subjected to a final examination, and, upon a recommendation to that effect, shall be admitted to the rank of masters in the hydrographical corps. Five years' service in this grade should entitle them to be promoted to lieutenants, as vacancies may happen, and the promotions thenceforward should await the ordinary incidents of the corps which may supply the proper occasion.

If the Department should be able to contribute any members to the corps from the present officers of the service, I think such appointments should not exceed twenty to each grade of masters and lieutenants and ten commanders, and, that no captain be appointed until after five years' service in the corps, there may be found the proper officers to occupy the vacancies in this grade. It should also be well understood that the Secretary of the Navy, in assigning present officers to the corps, should be governed alone in his selection by high qualifications and accomplishment in the science required, and not by seniority in the service ; and that no appointments should be made unless there be found officers of approved reputation for their acquirements in reference to this service who may be willing to enter the corps.

The yearly graduates of the academy will, according to this system, be assigned to the two branches of service I have described ; that is to say, to the regular naval service and to the hydrographical corps. The graduates required for these two



branches should be selected from those who are adjudged by the board of examination to stand highest on the roll of the class ; and if at any time it should happen that the requisitions should not embrace the whole number of graduates in each year, then those whose services are not required, being the lowest on the roll, should receive an honorable discharge from the school. These would return to the occupations of private life well educated by the bounty of the Government, and qualified for useful employment in the many important vocations connected with commerce and navigation, and especially in the various service of steamships, which create so large a demand for expert and accomplished officers. In whatever situation they may be placed, they will find abundant occasion to rejoice in the advantages they shall have obtained at the school, and, by the proper use of these advantages, indemnify the country for the care and expense it may have bestowed upon their culture. These conditions and incidents of an admission to the academy being understood in advance, both by the cadet and his friends, it is presumed, will prepare them to regard the discharge in its true point of view, as the necessary contingency of a most important good conferred, and not as a disappointment which should occasion regret. If, on the other hand, it should turn out that the annual number of graduates should not be adequate to the demands of these two branches of service, the basis of sixty-two in the class of beginners may be increased to the number at which experience may show that the desirable result may be obtained. It will be easy, after the experiment of a few years, to ascertain this number with sufficient precision, and as in the mean time the hydrographic corps is to be filled, the extra supply of the classes for the next three years, by the admission of the midshipmen of dates prior to 1851, will very opportunely enlarge the classes to a number which will satisfy that requisition.

In arranging the complement of officers to the hydrographic corps, I have proceeded upon a conjectural estimate of what I suppose may be found necessary to the service required of it.



I submit this to the judgment of Congress for such alterations in the grades and numbers as their investigations of the subject may suggest. I have thought it safest to propose a number rather below what I think the service may ultimately demand, as it is easier to increase this complement than to reduce it. It is proper for me to say also that, in assigning five captains to this corps, I may have exceeded the number which may be appropriate to the organization. But as no captain, according to this plan, could be appointed before the lapse of five years, the experience which may be gained in the interval may enable Congress, before that period has gone by, to adjust this grade to its proper number and assign to it its appropriate duties. It may be hereafter looked to for the supply of the head of the engineer department, the superintendents of naval architecture and construction, the general supervision of hydrographical surveys, and the management of the Naval Academy. If these functions may be efficiently discharged by it, the number I have assigned will not be too large.

These are the general views and considerations which have induced me to submit this plan to your approval and to the consideration of Congress.

It will afford the annual appointment of sixty-two candidates for the navy.

It will give greater permanency and efficiency to the school.

It will quicken promotion in the navy, and give to the younger officers hope of useful command while they yet possess the vigor and ambition of youth.

It will establish a valuable corps of scientific officers who will bring to the service equal devotion to the prosperity of the navy and the highest attainments to promote it.

And it may occasionally give to the country men carefully educated in useful knowledge, and bound by the strongest obligation of gratitude and honor to requite this public bounty by laudable service in the employments of civil life.

I think it proper, in presenting this new organization of the school and of the officers which it is intended to supply, to ask

of Congress that the grade of master in the service shall be entitled to a commission and recognized in that character by law. The masters are ward-room officers, and should be placed among the commissioned officers of the navy. No change of pay is necessary, and in that respect they may be left upon their present footing.

It must be observed that some years will elapse, if this organization be now authorized by law, before it can be rendered complete ; and the sooner, therefore, that it is adopted the better.

The present class of passed midshipmen numbers two hundred and sixteen. These are to be disposed of. One hundred of them may be commissioned as masters, and the grade may be at once established at that number by law. The remaining hundred and sixteen would be gradually absorbed by the grade of masters in a few years ; after which the system will work according to its permanent regulation.

The present number of acting midshipmen is two hundred and six, of which the school contains, by the last report, eighty-one. Five appointments have been made for the next term, and there are yet thirty-seven vacancies. To the nominations already made for the new class of beginners to the next term of October, 1853, may be added at once, with the thirty-seven vacancies, as many as may be necessary to make sixty-two. The classes should then advance regularly to the end of their respective terms, without additions, and the law may provide for the annual supply henceforth of sixty-two, in the manner I have indicated. The grade of midshipmen might be at once declared to be limited to two hundred and fifty, and the filling of that complement should await the supply it may hereafter obtain from the graduates.

If any of the present grade of passed midshipmen and masters should be found qualified for admission to the hydrographic corps, the vacancies which may be made by their appointment to it may be filled by promotion, and so hasten the period at which the new organization may be brought into full operation.

The school has yet to receive some classes of midshipmen of the date previous to 1851. When admitted, they will constitute an extra portion beyond the quota allowed to the academy, and I would suggest in regard to them that they should be permitted, as heretofore, to constitute a part of any class for which they may be qualified, and upon their graduation to be entitled to their advancement to the proper grade ; it being mainly important to provide at present that each yearly class of new admissions should be constituted of the appointed number of sixty-two, and in no event to exceed that number. The future organization of the school will necessarily follow upon the observance of this provision.

In proper connection with this subject of the academy, it is my duty to apprise you that I have recently adopted regulations for the government of apprentices to be admitted at the several navy yards and workshops under the control of this Department. The propriety of these regulations has been suggested by the bureau of yards and docks, and I am indebted to the intelligent labors of three distinguished officers of the Department, Commodores Morris, Shubrick, and Smith, to whom I referred the subject for a report, which I have received, and which will be found among the documents accompanying this communication. The report presents the regulations which I have approved. The number of apprentices as established, for the present, by this system, is eighty-three. They are required to undergo an examination twice in each year, and after the first year, those most distinguished in the previous trials are to be subjected to another of a still more extensive and rigorous character, upon which such as shall be reported as worthy of the highest approbation and reward, and as demonstrating talent adapted to eminence in the public service, are to be commended to the Secretary of the Navy for such further advantages of instruction as he may have it in his power to confer.

I regard it as a most salutary power to be invested in the Secretary of the Navy, for the beneficial performance of the duty thus assigned to him, that he should have authority to

admit into the Naval Academy those apprentices whose good conduct and capabilities shall have earned this distinction, and to provide that they should there be conducted through a course of study appropriated to their intended future vocations, and calculated to advance them in mathematical and mechanical science, under such regulations in regard to the term of their application, their duties and deportment, as the Navy Department might think it expedient to adopt. Having completed this course of study, they should be returned to the yards from which they may have been received, or allotted to suitable employments in the service.

It would be a useful provision in this scheme to give to the young men so educated a preference in the admissions to the corps of engineers for steamships, for which appointments their education would particularly qualify them ; their admission into that corps, nevertheless, to be dependent upon successful examination and a favorable certificate to moral and intellectual character.

In the operation of this scheme the navy would derive the benefit of the best talents and acquirement for the supply of engineers, naval architects, and constructors and superintendents in the various departments of mechanical employment connected with the service.

I take great pleasure in presenting this subject to your approval and to the attention of Congress.

In view of this reorganization of the academy, I submit, also, as a question worthy of consideration, whether it would not be a salutary provision to require that the officers of the marine corps should be prepared for that service by an education at the school. My own opinion is that it would be attended by manifest advantage, both as respects the necessary accomplishment for naval service in that corps, and the personal character and deportment of the officers belonging to it. It is among the incidents of their employment that they are sometimes required to perform important military duties on shore in which a necessity is found for that species of knowledge



only to be obtained in the military or naval school ; and in every service to which they are called it is quite apparent that this knowledge, and the spirit to appreciate the duties of command that is inseparable from it, must increase the efficiency of the officer and elevate the character of the corps to which he is attached. If these considerations should influence the opinion of Congress as they do my own, they will suggest the expediency of making the provision to which I have invited their attention.

In concluding this notice of the naval academy, it is due to Commander Stribling, who has charge of the institution, and to the officers, professors, and assistants under his command, to say that the assiduity and intelligence with which they have performed the laborious and complicated duties assigned to them merit the highest approbation ; and that the prosperous condition of the school and admirable arrangement of its details, particularly manifested in the deportment and proficiency of the young men confided to their care, eminently entitle it to the favorable opinion and encouragement of the Government.

I particularly commend to the notice of Congress the consideration of the appropriations asked for by the Bureau of Ordnance and Hydrography, for the improvements necessary to purchase the grounds and complete the buildings required by the academy.

### *Organization and Discipline of Seamen.*

There is no subject connected with the prosperity of the navy that, in my estimate, better deserves the attention of Congress than that relating to the condition of the corps of mariners, which constitutes the great working force in the navigation and management of the public vessels.

In obedience to a sentiment which is prevalent throughout the country, and which is naturally suggested by those impulses that distinctively characterize the opinions and habits of our people, Congress has been recently led to the consideration



of the ordinary mode of punishment, which it had heretofore been supposed was necessary to the preservation of the discipline of the navy. The result of this consideration has been the passage of a law for the entire abolition of corporal punishment on board of our ships, both public and private. This punishment—which, for a long time, has been practiced in the navy and commercial marine not only without question as to its efficacy in maintaining the proper observance of duty on shipboard, but which, indeed, had become so incorporated in the sober conviction of both officers and men, as an indispensable necessity of the service, that it had grown to be the most unquestioned usage and generally received incident of naval discipline—many judicious persons believed might be dispensed with, not only most acceptably to the feelings of the nation, but also without disadvantage to the service. The adoption of this opinion by Congress, in the passage of the act of September, 1850, which forbade the accustomed penalty, without providing a substitute for it, has afforded the navy the opportunity to make the experiment. I very sincerely regret to say that the records of this Department, as well as the almost entire concurrence of facts and opinions, brought to my notice from authentic sources, and vouched by intelligent and experienced observers, all tend to indicate a most unsatisfactory result. The omission of Congress to provide for the punishment of what may be called minor offences against discipline and good order on shipboard may, perhaps, account in part for the failure; but the fact of the most serious detriment to the efficiency of our service is so unhappily forced upon my attention, as the effect of the recent change, that it becomes the gravest of my duties at this time to lay the subject once more before Congress, and to ask its attention to the consideration of such a corrective to the present condition of the service as I am confident it must find to be indispensable to the proper government of the navy. We have evidence furnished to this Department, in the history of almost every cruise, of acts of insubordination that not only impair the usefulness of our ships,

but which tend also to the gradual development of habits among the seamen that threaten to lead to extensive and uncontrollable mutinies. The multiplication of courts-martial, and all the consequences of an increase of disorder and crime, are among the least of the apparent and growing evils of the new system. The demoralization of both men and officers is a yet more observable consequence. The absence or prohibition of the usual punishments known to seamen has led to the invention of new penalties of the most revolting kind, in the application of which full scope has been given and the strongest provocations administered to that exhibition of temper and passions which, however natural it may be to men of hasty and excitable natures, is seldom indulged without leading to cruelties that must disgrace those who practice them ; and, what is more to be feared, raise a sentiment in the public mind hostile to the navy itself. The seaman, believing himself exempt from the speedy penalty of disobedience or neglect of duty, and looking with indifference to the remote and uncertain proceeding of a court-martial upon his delinquency, grows habitually contumacious to his superiors, and infuses the same sentiment into his comrades ; and in the very fact of the diffusion of this spirit of insubordination finds ground to hope for immunity from punishment—naturally enough believing that what has grown to be common and frequent will also come to be more lightly considered when he is summoned to a trial at the end of his cruise. It may excite some surprise in the statement of what I learn to be true, that the most frequent complaints against the abolition of corporal punishment are made, in great part, by the seamen themselves. The difficulties arising out of its abrogation, and the absence of any substitute for it, now constitute the most prominent obstacles to the ready supply of our squadrons with seamen. This Department is familiar with complaints from the recruiting stations of the difficulty of enlisting the better class of seamen. Of that large number of men who have heretofore constituted the pride of our navy, by their good seamanship and highly respectable personal de-

portment, comprising, I rejoice to say, the great body of the mariners who have sustained the honor and glory of our flag in its most perilous as well as in its most useful career—of these men, it is a fact which invites the deepest concern of Congress, we are daily deprived, by their refusal to enter again into the service until, as they ask, they shall have some assurance that a better system of discipline may be restored. They reasonably complain that, while the worst portions of the crew are placed under arrest, and are exempt, in consequence, from the severe duties of the deck, they find their toil increased by the constantly recurring exigencies which compel them, for weeks and months, during a cruise, to perform the extra work which the reduction of the force of the ship inevitably throws upon them. So oppressively is this evil felt, that I have reason to believe, if the best seamen, who have heretofore been accustomed to man our ships, could find an occasion to express their wishes to Congress, a majority of the whole number would be seen to prefer a restoration of that form of punishment, which has been forbidden, rather than be subject to the severities imposed upon them by the present condition of disorder in the naval discipline.

Looking at this state of things in the navy, I think the occasion propitious to the adoption of a new system for the organization and government of the whole material constituting the crews of our ships; and I take advantage of the present time to submit to your consideration the outline of a plan, which I trust will engage your attention, and receive the approbation of Congress.

The supply of our navy with seamen has heretofore been obtained by a system of enlistment, modelled, in its principal elements, upon the plan adopted in Great Britain, from which nation we have derived, by old habit and national descent, the general features of our marine. Like England, we have looked to our commercial navigation for the reinforcement of the men of the navy. We enlist the mercantile seamen for the national cruise, discharging and paying them off when it is fin-

ished, and returning them to the merchant service. The navy, in general, has been sufficiently attractive to the sailor to be able to secure his service when needed ; and this mode of enlistment being an easy and accessible resource, but little consideration has heretofore been bestowed upon its effect either on the navy itself or upon the seamen. To the navy it has given a large and meritorious class of mariners, not unmixed, however, with many of a different character, and from that mixture itself requiring a prompt and effective system of punishment adapted to secure a ready discharge of duty in every emergency. The effect of the system upon the men of the navy has been overlooked, or, if regarded at all, it has not attracted the attention of the public authorities. The sailor is, in general, upon shore, a helpless being. Between himself and all around him there is a palpable incongruity. He has come off a long cruise and has earned some three or four hundred dollars. He has no home ; often no friends but his comrades. He knows no thrift, no saving economy ; has no adviser. His only outlook is for some pastime, and his idea of that is confined to sensual enjoyment. Every one is familiar with his history in his brief sojourn on shore. He is a victim to that class of persons who pander to his appetites and who plunder him of his earnings. Necessity and inclination very soon drive him back to the sea, where he finds his natural home and the only friends who can understand his character and sympathize with it. It is very apparent that a man so organized and circumstanced stands very much in need of better culture than this course of life affords. A discreet attention to his condition by the Government, with a few salutary regulations that may teach him more thrift and furnish him guidance and encouragement, will make him more useful as a citizen, or at least more self-dependent and respectable in his individual character, and render him at the same time certainly not less useful in his profession.

I propose, for the consideration of Congress, a plan for the reorganization of this portion of the navy, which, if matured



by such experience as the future practice of it may afford, will, I am confident, enhance the respectability and value of our seamen, and secure to the country a most efficient corps of men permanently devoted to the public service.

I think it cannot be doubted that the successful application of the navy to the purposes for which it is designed would be better assured by the services of a well-disciplined and carefully-maintained body of seamen permanently attached to the public naval establishment and incorporated with it, than it ever has been or is ever likely to be by the fluctuating and variable resource of frequent enlistment and discharge. The constant changes which this corps undergoes is unfavorable to the growth of that sentiment, so essential to the service, which makes a sailor proud of his flag. It is still more unfavorable to the acquirement of that peculiar adaptation of habit and training to the duties belonging to the employment of a man-of-war, which all officers regard as the test and indispensable element of an efficient seaman in the navy. In a large navy like that of England, where all the seamen of the mercantile marine, in a certain sense, belong to the government, the difference between the man-of-war's-man and the seaman of civil employment is not so apparent or significant as it is in our service, in which the seamen bear so small a proportion to the whole body of mariners of the nation. Every English sailor has generally more or less service in the navy, and passes so frequently from the private to the public employment as to give him to a great degree an actual incorporation in the national marine ; the one service is so connected with the other that the seamen of both assimilate more in their training and education than the correspondent classes in this country. Our navy, for obvious reasons connected with these considerations, is much more dependant upon a body of men nurtured by the Government and attached to the service than that of England. It is, therefore, a fundamental purpose in the plan which I submit to Congress to provide for the ultimate establishment of a permanent and recognized body of seamen, con-



nected with the navy by the strongest and most durable bonds of attachment and interest.

While providing for the gradual and eventual organization of such a body, my attention has been directed also to the procurement of men of the highest character in personal and professional quality, in whose good deportment and faithful service will be found the most satisfactory reasons for protecting by legal enactment their whole class against the form of punishment which has of late so much excited the sensibility of the nation. The successful accomplishment of such an object, I trust, will commend the plan to the regard of all who desire to preserve that exemption, and who have hoped to find it in practice not incompatible with the efficiency of service on ship-board.

The general outline of the plan may be exhibited in the following regulations :

With a view to the commencement of this system, and to organize a body of efficient seamen of the most meritorious class, I propose that every commanding officer of a squadron, or of a single ship when not with a squadron, shall, on his return from a regular cruise, report to the Navy Department in the muster-roll of the men under his command, a statement of the good or bad general deportment of each man, with a special designation of those whose conduct has merited that degree of approbation which shall entitle them to be admitted into the navy.

That this report be submitted by the Department to the President, who shall thereupon issue a general order to admit into the navy the seamen who have been distinguished in the report for good conduct. And the President shall transmit with this order to the commanding officer of the squadron or ship a certificate to each seaman, written on parchment and stamped with the signature of the President himself, expressing his approbation of his conduct and his permission to admit the subject of it into the navy ; which certificates shall be delivered by the commanding officer of the squadron or ship to

the men entitled to them before they are discharged from the ship. This delivery to be made in the presence of the crews and with suitable formality to attract public notice.

That each seaman to whom this certificate shall be awarded shall, if he accept it, register his name in a book to be provided for that purpose and kept on board of the ship, by which registry he shall become a registered seaman of the navy of the United States, and be entitled to all the privileges and be bound to all the obligations of that character. This registry book shall be transmitted to the Navy Department, where it shall be preserved and the entries made in it copied into a general registry, alphabetically arranged, and kept in the Department.

The obligations incurred by every seaman who signs the register shall be those of faithful service and due performance of all seamanlike duty under the flag of the United States, good moral deportment, and prompt obedience to all orders that may be issued by his lawful superiors so long as he shall continue to be a member of the navy.

The privileges attached to this registry shall be :

1. For every five years of actual duty on board a public vessel an increase of one dollar a month over and above the established rates of ordinary pay ; that is to say, for the first five years of such service one dollar per month ; for a second term of five years of such service an additional dollar per month ; for a third term of five years another dollar ; for a fourth term of five years—making a total of twenty years' service—another dollar, amounting in all for such twenty years' service to four dollars a month ; after which no further increase to be made. This additional monthly pay, so earned by service, to be paid to each man so long as he may continue to be a registered seaman of the navy ; and, after twenty years of service, to be paid whether he continues a registered seaman or not.

The right to this additional pay to be liable to forfeiture at any time within the twenty years' actual service by the res-

ignation of any seaman on the registry, or by his being struck off the list of registered seamen ; which may be done at any time ; and shall only be done by the order of the Secretary of the Navy or by the sentence of a naval court-martial upon charges of misconduct ; in either of which events—resignation or discharge by sentence of the Secretary of the Navy or of a court-martial—he shall cease to belong to the navy, and shall lose all the privileges of such a character.

2. Every registered seaman to be entitled to resign his post in the navy at any time after three years' service if not engaged on a cruise. When engaged on a cruise and absent from the ports of the United States, he shall not resign without the consent of the commanding officer of the ship. A record of all resignations to be duly kept and reported to the Department.

A registered seaman of more than twenty years' service continuing in the navy only to forfeit his additional pay when such forfeiture shall be adjudged by a court-martial as a punishment for grossly immoral or insubordinate conduct. By such sentence also for such offences his additional pay may be suspended by a court for such time as they may adjudge.

3. No registered seaman of the navy to be subject to any corporal or other punishment of a degrading character, and to such only as may be ordered by a court-martial on charges duly preferred and tried. This prohibition not to prevent the punishment without a court-martial of such minor delinquencies in conduct and discipline as may be corrected by withholding the usual indulgences of the service, stopping portions of the ration, or increasing ordinary duty.

4. Every registered seaman to be entitled after any term of three years' service to a furlough of such reasonable length as may enable him to make one or more voyages in the merchant marine, not extending, without special permission, to more than six months ; such furlough to be granted by the commanding officer of the squadron, or the commandant of the navy yard nearest to the port at which his cruise may terminate, and only to be granted in any case with an expressed reservation and

notice that the seaman to which it is given shall report for duty in the navy when any public emergency shall render it necessary so to order him, the order for his return to duty to be issued by the Navy Department or by such officer as may be authorized by the Department to do so. A failure to report in accordance with this provision to render him liable to be struck off the registry by the Secretary of the Navy. Every registered seaman reporting for duty within three months of his last cruise, and being thereupon ordered to duty, to be entitled to pay from the date of termination of his last cruise.

All furloughs to be regularly reported and noted at the Navy Department.

5. Every registered seaman to be entitled to wear on his dress some appropriate badge by which he may be distinguished and known in the navy, which badge will be designated and provided by the Navy Department.

6. The petty officers of each ship to be selected, as far as convenient, from the class of registered seamen, and the appointment always to be regarded as dependent upon the merit and good character of the person selected, to be held on good behavior, during the term of a cruise.

7. A record to be kept, under the direction of every commanding officer of a squadron or ship, of the actual amount of sea service performed by each registered seaman while under his command. This record to be returned to the Department at the end of every cruise, and to be transferred to the general registry of seamen. Upon the evidence of this general registry the additional pay to be granted.

8. Every seaman to be admonished to give his true name, age, and place of birth upon signing the registry, and to be required to engage not to ship in merchant or other vessels while on furlough by any other name. His being convicted of violating this engagement to render him liable to be struck from the list of registered seamen upon the order of the Secretary of the Navy.

9. In every case of dismissal from the service as a register-

ed seaman, the party so dismissed to receive whatever moneys may be due to him, unless the same shall have been forfeited by the sentence of a court-martial imposed as a punishment for an offence committed by him. A seaman dismissed from the registry not to be entitled to be restored but upon the permission of the head of the Navy Department, granted in consideration of the meritorious character of the applicant.

10. Seamen, ordinary seamen, and landsmen in the service, not belonging to the registry, to be subject to such discipline, duty, and penalties as Congress may provide in a code of regulations adapted to their government, under such restrictions or modifications as the Department may think proper to make.

11. A printed book or circular to be made by the Department, containing all the regulations and conditions relating to the establishment of registered seamen, giving a full description of the obligations to be contracted by them, and of the privileges to which they may be entitled. Copies of this book or circulars to be furnished to every squadron or single vessel in commission, of which copies one shall be given to every seaman, in order that he may be fully informed of the nature of the engagements to be incurred by him on entering the service of the United States. These regulations to be read and explained to the several crews, and, as far as may be necessary, to every seaman before he signs the registry.

12. The Department to be authorized to make, alter, and modify all rules and regulations, so far as it may be found expedient for the due establishment and support of this purpose of creating a corps of registered seamen, in accordance with the general objects intended to be promoted in the above plan, and for the supplying of any defect which experience may show to exist in it.

The term seaman, as used throughout this plan, is to be understood to embrace every class of mariners on board a public vessel, whether denominated seamen, ordinary seamen, or landsmen.

13. A limited number of boys to be received into the navy



upon obligations contracted according to law, to serve until they arrive at the age of twenty-one years. Their number, the quota to be allowed to each vessel, and all needful and proper rules for their government and duties, to be regulated by the orders of the Navy Department.

This system of providing for a more effective marine I respectfully submit to your consideration. There already exists power in the Executive to adopt nearly the whole of its details. It may be proper, however, to submit it to the approval of Congress, with a view to obtain for it a legislative recognition, and especially to procure such enactments as may be necessary to give the sanction of law to the establishment of the registry, which constitutes the ground-work of the plan.

#### *Increase of the Navy.*

In the activity and diversity of enterprise which the busy spirit of this time has exacted from the navy, it has now become manifest that the increase of the naval establishment of the country is not only recommended by the most urgent public considerations, but is also forced upon the attention of Congress as an absolute necessity. The honor as well as the successful adventure of the nation, and I might even say the indispensable obligation of national defence and the constantly recurring need for the exhibition of the national power, all combine to present this question to Congress as one of the first magnitude. During the past year this Department has been impelled, by a due regard for the great public interests committed to its charge, to put in requisition nearly the whole disposable force of the navy. The details of this report will show that constant and various employment has been demanded of officers, ships, and crews. I trust that Congress will see in these requisitions how much the demands of necessary service engross the means provided to accomplish it, and will deduce from this fact an argument in favor of enlarging the naval resources for still larger naval operations.

While other great maritime powers are strengthening and

extending their capabilities for aggression and defence, and are bestowing a sedulous labor upon the creation of steam navies of singular efficiency, they have imposed upon us a new obligation, if not to track their progress with equal steps in an effort to bring ourselves abreast with them in their advance, at least to maintain that position of relative strength which it has been our policy heretofore to assume.

The actual exigencies of our own service, so conspicuously multiplied by the rapid extension of our domain and the settlement of new marts of trade and the establishment of new lines of commerce on the Pacific, cannot but present to every citizen of the United States an altogether irresistible argument to persuade the nation to a much larger provision of ships and men than we have heretofore kept in commission. The Pacific, during the next ten years, is likely to become the theatre of the most interesting events of our time. A nation is growing up upon its shores which will both attract and supply an amount of commercial enterprise in the rapid growth and activity of which the world has yet had no parallel. The discovery of America did not give such an impulse to this spirit as we now witness in the energy and occupations of these recent settlements.

At this moment we are without a public steamship in that ocean. Our various commerce scattered along the whole coast from Oregon to Chili, and our citizens who are found in every port throughout that extended line, are left to the protection of but two frigates and two sloops-of-war, composing a squadron whose utmost activity can but half perform the duty assigned to it. Our new relations with Asia and the intermediate islands, which are constantly multiplying the resources of trade, and with them the hazards of collision, and the consequent increase of numbers drawn from the population of every country to the commencement of an era of great political significance, which will henceforth exact from the Government more than its accustomed vigilance in noting the progress of events, and more than its usual energy in the duty of guarding our citizens

who may be connected with them. It is, therefore, more necessary than ever that we should have a respectable force always accessible to our countrymen in this field of action, and capable of giving them protection against the perils of war and popular outbreak and revolutionary commotion, which in future, even more than in the past, may be expected to characterize many of the States and communities to which their business invites them. A steamer of a large class, adapted to the general duties of a cruise, and a smaller one to be kept at hand at San Francisco, for use in California and Oregon, I regard as almost indispensable additions to the squadron assigned to that service.

Looking to the Atlantic, we find motives equally strong for the increase of our naval armaments, and particularly for the enlargement of the number of our steamships.

While I am fully aware that the power of the United States happily consists more in their ability to provide for the contingencies of invasion than in the actual exhibition of an equipped force, and that we may dispense with much that is deemed requisite in the relations of European powers, still we cannot fail to recognize the fact that the respect due to the interests of our people requires the habitual and familiar presence of our flag in every region of commerce, sustained by such an amount of force, and of such a quality, as may give some significant token of the resources we command at home. A salutary conviction on this point is, to a great extent, inspired by the excellence of our armaments when brought into comparison with those of other nations. We cannot afford to lose or impair our reputation for producing the best ships and the best-disciplined crews that navigate the ocean, however we may afford to exhibit them in smaller numbers.

The principal maritime nations are now diligently intent upon the effort to build up powerful steam navies. Most of them are already far ahead of us in this species of force ; and it is very obvious, from the urgency with which the new marine of Europe is pressed to assume this character, that there is a

deep and earnest conviction of an impending necessity in which the improved force will be mainly relied on as the efficient element of war. Are we so far removed from the occasion or the scene of apprehended conflict as to warrant any indifference on our part to the possible issues of a collision? Are our affairs so little exposed abroad, or so concentrated at home, as to exempt us from all necessity to consider the effects which may follow the recent changes in the naval organization of Europe?

These considerations, and others which they suggest, induce me to ask the attention of Congress to the recommendations of the Bureau of Construction accompanying this report, and to invite them, with the most earnest solicitude, to provide for the building of three first-class screw-propeller frigates, and the same number of propeller sloops-of-war. To these might be added with advantage a few smaller steamers adapted to quick despatch and coast navigation.

Our navy yards are abundantly supplied with large quantities of the best timber, in the best condition, which could not be better appropriated than to this object. There are two frigates, the *Santee* and the *Sabine*, which have been housed on the stocks in Portsmouth and New York for the last ten years. These might be launched and fitted for service, and their places might be occupied as well as the sheds now vacant in other yards by the new steamships proposed to be built.

In connection with this subject I would call the attention of Congress to the necessity of authorizing the establishment of one or more factories for the construction of all the machinery necessary to the complete equipment of the largest class of steamers. The great importance of such establishments to the Government is felt by this Department in the daily conviction that only by the command of such a resource may the navy be promptly and surely supplied with the best machinery for the public vessels. The inspection and control of the work while it is in progress, the assurance of the best material, and the punctual compliance with the demands of the service, are

advantages that may only be efficiently secured by having the workshop under the command of the Government. The experience of the past will also fully demonstrate that this mode of supplying the machinery of our public vessels must be, in its general result, more economical than any other, and will certainly secure much the most reliable kind of work. The plans would be more uniform, failure of machinery less frequent, and the improvement of the models of construction more certain.

The mail contract law of 1847 contains a provision which authorizes the Government to appropriate any of the vessels built under it to the naval service. I would recommend that one of these, of the first class, be selected and equipped with the proper armament. I make this suggestion from a persuasion that it is a matter of importance to the Government practically to determine, by experiment, a question upon which much doubt is entertained, and which it is necessary to solve, whether these steamers are really adequate to the demands of the naval service, and may be usefully converted into ships of war. The determination of this question may settle a point of great moment touching the reliance to be placed upon these ships in any sudden emergency—a point much more safely to be settled in a time of peace than in moments of excitement and pressure, when no other resource may be at hand to meet the consequences of a failure.

It is further necessary to make provision for an increase of seamen. The present limit of seven thousand five hundred men is insufficient even for the necessities of the service in its present existing condition. If the full complement of men appropriated by the regulations of the navy were now on board of the vessels in commission, more than the whole number allowed would be required. I think it therefore indispensable to the proper efficiency of the service that an addition of not less than fifteen hundred be authorized to be made to the establishment, and that a correspondent addition be made to the yearly estimates of naval pay. It is equally necessary that provision be made for an increase in wages, either in monthly



pay or in the shape of a bounty, to be given after enlistment. The amount of this increase should be regulated by some reference to the wages given in the merchant service, which are now so much higher than the naval pay as to increase the difficulty to which I have heretofore alluded, in the procurement of the best men.

A reference to the report of the Bureau of Medicine will inform Congress of the condition of the medical service of the navy and the pressing necessity that exists for an increase of officers in that department. Great relief would be afforded by an authority to appoint a number, not exceeding twenty assistant surgeons, and to make a correspondent promotion of an equal number, or of so many as by proper length of service may be qualified for it, into the upper grades.

I beg leave also to call the attention of Congress to the report of the commanding officer of the marine corps, which will show how inadequate is the present limitation of that corps to the ordinary demands of the service. The opinion of General Henderson upon this point, of itself entitled to great weight, is reinforced by that of many of the most experienced officers of the navy, as will be seen in the correspondence accompanying the report, to which I invite a careful attention. In conformity with these opinions, I respectfully recommend to Congress the passage of a law to authorize the enlargement of the corps by the addition of eighty sergeants, eighty corporals, thirty drummers and fifers, and one thousand privates, and that the four captains, four first and four second lieutenants, conditionally allowed to the service by the proviso to the naval appropriation bill of March 3, 1849, be retained permanently in the corps.

The same necessity which has led to this representation of the embarrassments of the service in those branches to which I have just alluded, compels me to ask for some addition to the corps of pursers. This important division of the naval organization is found to stand in need of more aid than the present allowance affords. The corps scarcely furnishes

that proper rotation in service which the peculiar duties of the purser demands. It is necessary after every cruise to allow this officer a sufficient time on shore to settle his accounts—a period which will not always place him at the disposal of the Department for an early return to sea, if it were even proper to compel these officers to a repetition of duty without some time for such refreshment on shore as every officer requires.

If Congress should think proper, in consideration of this condition of the corps, to sanction an increase of its members, I would earnestly recommend the establishment of a grade of assistant pursers, to which only the new appointments should be made; that these assistants should undergo an examination as to their physical and mental abilities previous to their appointment; that the age of admission should be regulated by the Navy Department; and that no applicant should be nominated for the corps without a satisfactory conformity to the preliminary condition. Promotion and pay should be regulated by law, and no promotion should be made but upon full evidence of the capability of the individual to comply with all the demands of the service; this evidence to be obtained by such course of examination as the Department may prescribe. With such conditions, I would recommend that Congress should at present authorize the appointment of twenty assistant pursers to be attached to the corps.

As a subject of great interest to the efficiency of the navy, I beg leave to renew the recommendations heretofore made by this Department for the gradual reduction of the number of officers who are incapable of useful service, by the adoption of some suitable plan for retiring all of this character from the sphere of ordinary duty. A well-organized naval system requires that the officers charged with its administration should, as far as possible be maintained in a condition for whatever employment may be demanded of them, and should always exhibit the utmost alacrity in their obedience to orders. There is no better test of the spirit of the corps, nor

no more commendable sign of a good officer, than his readiness to accept every call of his profession. This high character can only be maintained in the navy by exempting from command all who obstruct the path of duty. Those whose disability has been the result of long and faithful toil in the national service, should be provided with an honorable retreat, in which old age and infirmity may find repose. They who, without service to plead for their incapacity, only stand in the way of more willing and more capable men, should be consigned to a retirement on smaller pay, by the operation of a law which should render their retirement compulsory.

It may be worth the consideration of Congress to make permanent provision for these two classes of officers. This might be advantageously accomplished perhaps by a law which should confer upon the first class a rate of retired pay, graduated from half-pay up to that allowed to leave of absence, according to the amount of sea service they may have performed, and adding to this an honorary promotion of one degree in rank, and which should dispose of the second class by retiring them on half of leave of absence pay.

The details necessary to such a system may be easily regulated whenever Congress shall find occasion to take the subject into their deliberations.

I repeat also my concurrence in the views presented by my predecessor in his report of November, 1850, on the propriety of "recognizing by law the office of Commodore, and the creation of at least two officers of the rank of Rear Admiral." I can add nothing to the satisfactory arguments with which that recommendation is enforced, and therefore content myself with a reference to the report, and an earnest invocation to Congress to give it a favorable consideration.

## THE BORDER STATES:

THEIR POWER AND DUTY IN THE PRESENT DISORDERED CONDITION OF THE COUNTRY.

THE country is now, or, from all the tidings that reach us, must soon be compelled to accept the fact that South Carolina has seceded from the Union.

Whatever may be the right of secession, it is about to become a practical fact. South Carolina has announced her purpose, as far as it is in her power, to dissolve the Union. Other States belonging to that series which has lately assumed the designation of the Cotton States—as expressive of a peculiar affinity in interest and policy—are likely to follow her example. Alabama, which is, in some sense, the offspring and pupil of Carolina, has shown herself already too eager to precipitate herself into revolution to leave us any hope that she will hesitate to array herself on the side of her teacher. Perhaps we may still find some encouragement to a better augury, in the good sense and prudence of Georgia and the other States which have not been wholly possessed and fevered by that extraordinary contagion of frenzy which Carolina has spread through the lowlands of the South. But I confess my fears. The signs are against it. The chances are—for this event is not under the control of the sober judgment and wise estimate by which all matters of State should be directed—the chances are that passion will rule the hour, and that the revolution will move onward, swayed by the same rash impulses as those in which it originated.

We of the Border States, therefore, cannot too soon take counsel together, touching our own interest and duty in the

new condition of affairs which is about to be forced upon us. The question that now concerns us is—What position are we to assume in the beginning of the strife; where are we to place ourselves at the end of it?

Is it not very obvious that Virginia, Kentucky, Tennessee, Missouri, North Carolina, and Maryland cannot, with any respect for their own dignity, with any regard for their welfare, or with any security for their own peace, suffer themselves to be dragged into that track of revolution and civil war, of wild experiment and visionary project into which Carolina is endeavoring to force them? These States are quite able to determine for themselves what griefs they suffer and what redress they require; they want no officious counsellor nor patronizing friend to tell them what it becomes them to do, either for the maintenance of their own honor, or the promotion of their own advantage; they can hear with quiet scorn the taunt that they “have placed the Union above the rights and institutions of the South”—and hold at what it deserves the offensive rebuke “that no Southern State intent on vindicating her rights and preserving her institutions would go into conference with them.”\*

Every substantial hope of a successful issue out of the afflictions of the country, produced equally by the wickedness of Northern fanaticism, and the intemperate zeal of secession, depends upon the calm and earnest wisdom of the Border States. That they will be true to the duties of the crisis, no one who has studied their character can for a moment doubt.

However the lowland States may now slight their counsels and disparage their patriotism, it is a most weighty and significant truth, for the consideration of the leaders of the projected revolution, that the Border States are at this time the most authentic representatives of the conservative power of the Union. Their various and equal relations to the North, the South and the West, their social organization for the support

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\* See the Charleston Mercury of November 19, where this language is held to Virginia and the other Border States, in the editorial headed “Southern Conference—too late.”



of every interest connected with good government and permanent peace, their internal strength, and, above all, their healthful tone of opinion toward the preservation of constitutional right and resistance against wrong, point them out as the safest and best arbiters in the present difficulties of the country. Whatever there is of real vigor in the slaveholding communities, exists in *them* and is derived in greatest degree, by others, from *their* sympathy and alliance. Without them, we may affirm, that no confederacy of Slave States, at all worthy of respect and consideration as an independent power, can possibly be formed.

The attempt, whenever made, will speedily prove itself to be a most unhappy failure.

The Border States have a better right to claim a hearing, just now, than any other member of the Union. Indeed, until *they* have spoken, it would almost seem to savor of an unbecoming officiousness on the part of any other State to put itself in the van to raise an outcry of wrong or to dictate the measure of remedy.

While these States have always manifested a just and becoming sensibility to their rights, connected with the employment of slave labor, and have shared in the common indignation of the South against the malignant hostility of certain sections of the Northern people ; while they have been the chief and almost only sufferers from the inroads of organized abolitionists, who have stealthily abstracted their slaves in numbers whose value may be reckoned at little less than a million of dollars a year ; while, indeed, it may be said, that these States are the only portions of the slaveholding region which have any direct, immediate or definite interest, worthy of special consideration, in the vexed questions touching the present or the future of slavery in the United States—that is to say, in the question of emigration to the territories, the rendition of fugitives, and the organization of new States—they have, nevertheless, shown themselves in all contingencies, the confident and considerate assertors of their rights in the

mode ordained by the Constitution, and at all times the determined friends of the Union. They have never yet felt an aggression which they did not believe more effectively to be repelled by the due exercise of the power of the government, than by retreat before the aggressor and resort to a covert revolution that seeks to legalize its action by taking the name of secession:

They certainly cannot be expected now, with the painful conviction which passing events are creating in their minds—that the Union itself is the chief grievance which stirs the hostility of those who are most active in raising a banner of revolt, and that the assaults upon the property of slaveholders, of which they, the Border States, have so much cause to complain, are but the pretext to cover a concealed design of portentous mischief—they cannot be expected now, with such a conviction, to renounce the wisdom of their accustomed trust in the law, and allow themselves to be persuaded or beguiled into a desertion at once of the Constitution which they have always respected, or of the Union which they have always revered. Their course is too plainly marked out to them by the incidents of the day to admit of any such fatal aberration as that. They are not blind to the fact that the present crisis has been forced upon the country with a haste that allowed no halt, chiefly because its contrivers feared the sound of that voice from the Border States, which they knew would speak peace to the troubled waves in strife, and would reach the heart of hosts of loyal citizens in the very bosom of the commotion,—citizens, alas! now bereft of their loyalty by the force of the tempest of revolution that has swept over them.

If thus Carolina and her comrades are lost—all is not lost. There is space for arbitrament still left which may at least secure an opportunity for meditation, and I would hope an eventual settlement that may, perhaps, include even those who are at present the most resolute in their recusancy. Carolina now repeats defiantly that all chance of her return is gone forever. I would fain believe that affairs may be conducted

into such a channel as to awaken in her a better view of her own future.

It is very important that the country should consider the true character of the danger that threatens it. The public mind is sadly at fault upon this point. There has been a singular occurrence of accident and design to lead even sensible and observant men off from the perception of the real causes of this disturbance ; and a not less singular exhibition of practiced skill in the address with which the popular masses in the region of the commotion have been enlisted in an enterprise of the scope and consequences of which they had neither the leisure to examine nor the temper to comprehend.

The public for the most part believe that the impending revolution grows out of the organization of the Republican party, and that the recent election presented the culminating point at which that organization could no longer be endured with safety to the Southern States.

Unfortunate as that election is, not only in its results, but in all the stages of its progress from the day of the Chicago Convention down to that of its consummation—unfortunate for the tranquillity of the country, and for the predominance it has given to certain men and certain political sects—it is not less unfortunate for the opportunity it has afforded to the accomplishment of designs long nourished, which have been held in suspense only to await a juncture favorable to their success.

The graver and more thoughtful portions of the community have recognized with no little pain, the steady growth in some sections of the South, for many years past, of a disposition in the leaders of Southern opinion to undervalue both the strength and the beneficence of the Union. It belongs to the school of doctrine of which South Carolina is the head, to imbue the people with the idea that the State Sovereignty has the first claim to the allegiance of the citizen, and that no more is due to the National Sovereignty than may be found not incompatible with this superior duty ; that to support the State, right or wrong, in whatever demand it may make in conflict with the

Federal authority, is the natural and most proper exhibition of a becoming State pride.

This school has also been the source of certain theories touching the structure and aims of our government, which, although founded, as we conceive, on mistaken views both of the facts of its history and of the necessary conditions upon which alone any government of a population so extensive as ours is practicable, could not but lead in time to angry dissension and inveterate sectional prejudice.

Conspicuous among these theories are two which have taken a deep hold upon the Southern mind. To their influence we may trace no small amount of the discontent which has weakened the attachment of some of the Southern States to the Union ; and which has also led to the large acceptance they have given to the efficacy and lawfulness of that extreme measure which Carolina now proposes as the proper remedy for the evils which threaten her in common with all other slaveholding States.

The first of these theories asserts that the Federal Government was constructed on the basis of an equilibrium of power between the Free and Slave States, which equilibrium was designed to be forever preserved in all the vicissitudes of the future. The failure to preserve it is consequently regarded as a violation of a fundamental compromise.

The second is that which affirms all import duties to be an exclusive tax upon the Planting States, by virtue of which they are burdened with the charge of the entire support of Government.

I might add to these, that other theory from the same school, and equally questionable, which conceives the ever-present and effective remedy for all real or fancied griefs to exist in the doctrine of a lawful right of secession.

Without stopping to debate the soundness of these several tenets, I refer to them as presenting the real germs of the discontent which has been smouldering at the heart of Carolina for years, and as suggesting the true explanation of that phe-

nomenon which puzzles the whole nation at this day, the activity, namely, and apparent supererogatory zeal with which Carolina has first, and before all her sister States of the South, flung herself into the arena to vindicate them by revolution and destruction of the Union.

These teachings have been long silently undermining her attachment to the Federal Government, and have at last wholly obliterated in her that sentiment of reverence for the Union which our forefathers inculcated, with a religious earnestness, as the foundation of American Nationality.

It is a fact of common observation that the present generation of public men in Carolina have been educated in ominous familiarity with the thought of disunion. It has been the toy of their childhood, the weapon of their age of active life. It has gathered edge and strength in a long and petulant quarrel with the National Government. It has, at last, taken visible shape in the instant, defiant act of secession.

Carolina frankly avows the Union to be an obstruction to her prosperity. That is not the sentiment alone of to-day. It has, for years past, been her earnest conviction that the Federal Government, administered on the principles most accordant with the wishes of a large number of the States, is not compatible with her welfare. She, therefore, thinks she has a right to retire from the compact and assume the position of an independent nation.

She, moreover, thinks that it is altogether consistent with her duty to her sister States with whom she has had no ground of quarrel, to propagate her own discontent among such of them as she may deem useful to her project, and by persuasion, solicitation, and convention, to lure them out of the Union into alliance with herself.

The short compend of these claims is expressed in the postulate—a right, at her pleasure, to dissolve the Union.

Every one has heard and read how pertinaciously she has argued this right in every forum open to her service.

Persuading herself that she has this right, to be used when-



ever she thinks proper, she deduces from it, quite logically, the right to meditate over every problem of passable contingencies which might, in the evolution of events, be turned to her advantage. As for instance, whether she would not thrive better if certain prohibitions of the Constitution were removed? Would it be to her benefit to make Charleston a free port?—to negotiate a commercial treaty with England?—with France?—to make a new Confederacy within the territory of the Union?—to open and re-establish the African slave-trade?—a hundred such questions which she may deem fit to consider and determine while she remains a member of the Confederacy—and the objects of which, if she cannot accomplish them in the Union, she thinks it unreasonable to be denied the privilege of accomplishing by secession from the Union.

I would not willingly misrepresent Carolina—much less speak in derogation of her really high and admirable qualities of character. There is no community of the same size, I believe, in the world that has produced a larger share of distinguished men. There is no society in the United States more worthy of esteem for its refinement, its just and honorable sentiment, and its genial virtues.

The men of Carolina are distinguished by the best qualities of attractive manhood. They are brave, intelligent and frank. They speak what they think, and they mean what they say. They are the last people in this Union we should desire to part with—notwithstanding their strange insulation of opinion, their exclusive philosophies, and, what they must pardon us for thinking, their political sophisms!

In these sundry meditations of theirs, they have long since struck upon one or more of the conclusions which I have hinted above—the opinion, namely, that they would do better in a Southern Confederacy than in the Union made by their forefathers. And having come to that conclusion, they have wrought themselves to the sober—or rather, let me say, the vehement conclusion that they are the most oppressed people of Christendom.

In 1832, their oppression existed in the unhappy fact that the Government persisted in continuing a policy originally supported, if not demanded, by Carolina herself, which was founded upon the most approved economical science of that day, and the practice of all enlightened nations—the encouragement of the domestic industry of the country. As a remedy for this grief they proposed secession and dissolution of the Union—but not being unanimous in that conclusion, they resorted to the milder process of nullification.

How many times since that, they have determined to dissolve the Union, it would be tedious to enumerate. But in 1851, their grievances grew so intolerable, through the admission of California into the Union, with a constitution made according to its own view of what was best for it, that all the altars were lighted up once more with an unusual conflagration of the never-dying flames of liberty and independence.

What was the extent of suffering then, and what the peculiar *gravamen* of that day, we may learn from their own oracles.

In order that I may speak from the book, I will quote some passages—almost too long, but still so full of matter that I am unwilling to shorten them, from the chosen and authentic expounder of Southern opinion—The Southern Quarterly Review.

In an article of the October number of 1851, entitled, “South Carolina, her present attitude and future action,”—from the sum of much grave advice touching revolution, and hinting, among other things, at the passage of bills of attainder and the use of the axe, I extract the following exposition of wrongs and suggestions of remedy:—

“But the people of South Carolina,” says the reviewer, “have not yet entirely forgotten the angry feelings growing out of the war of the Revolution. Well, then, let them read over the Declaration of Independence, and compare the wrongs recited there, with those we now endure. What was the *actual* grievance then? What is it now? Then they ‘augured misgovernment at a distance.’ Now, the evil is upon them, *and tenfold greater evil than the most far-seeing politician of that day*

*anticipated from British tyranny* One, and but one of the luxuries of the rich was taxed not more than five per cent. Now, every necessary of life which she does not produce at home, *is taxed at an average rate of not less than thirty per cent.* Then *Old* England claimed the right to exact from her a portion of the revenue necessary for the support of the British Empire, while the amount expended for the benefit of South Carolina very far exceeded all that she was called on to contribute. Now, *New* England requires her together with a few of her uncomplaining and acquiescent sisters *to furnish the whole revenue of the Union*, no part of which comes back to them, except in the shape of bribes to such as are willing to sell themselves into the service of their enemies, for Texas scrip and the emoluments of office."

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"She (Massachusetts) was wronged. She was outlawed and her port of Boston was shut. *We* took up arms in *her* quarrel. It was hardly our own. But we made it our own. It was for her that our Moultrie, Marion, Pickens and Sumpter fought in defence of our firesides, against an enemy whom our zeal in her behalf brought upon us. From Ninety-Six to Charleston, our country is full of monuments of our efforts in her cause. It was for her the gallant Hayne died a felon's death; and the requital of that sacrifice is, to threaten the like doom to his descendants should they be as bold in defence of our own rights as he was then in defence of hers. We separated ourselves from *Old* England because the port of Boston was shut up. Should we now separate ourselves from *New* England, we hear from Boston itself that the port of Charleston is to be shut up."

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After this, we have a glimpse of the remedy proposed for these oppressions.

"What is there at this day antagonistic between the interests of Great Britain and those of South Carolina? Is not each the consumer of all the other's productions, reciprocally? Is not their relation like that of the sexes, each necessary to the other? And shall South Carolina, like the Circassian slave, continue shut up in the harem of a brutal and sordid tyrant, when a generous lover is waiting to make her his honored wife, and to establish her in wealth and comfort and freedom and all the dignity of a Christian matron?"

"With all her professions of friendship Massachusetts hates England with an inextinguishable, because an *interested* hatred. They are rivals in commerce. They are rivals in manufactures. An especial object of rivalry is the commerce of the Southern States, and hence Massachusetts does all she can to keep alive their old animosities and to prevent the growth of any sympathy between us and England. Hence she excites the impertinent clamors of English abolitionists. What for? *Can they interfere with our institutions?* No. *They can but make us angry.*" \* \* \* \*

It is a mistake, as we may gather from what follows, to suppose that England is really opposed to slavery. Her professed aversion to it is a mere stratagem to allay her own discontents. Her object is to keep her own work-people quiet, by inducing them to believe that the world contains more wretched beings than themselves.

"They (her West India possessions) have become a burden to her. They continually harass her with well-founded complaints and demand some indemnity in the way of protection to their sugar in the English market. But this is oppressive to her people at home, and especially to the manufacturing operative, to whom coarse sugars are a necessary of life. *To reconcile him to this, nothing so ready as an appeal to his sympathies with his brother slave on this other side of the Atlantic; and he, poor wretch, shut up in the work-house, the factory or the mine, readily believes that the condition of the negro slave must be 'a lower depth in that lowest deep' with the horrors of which he is familiar.*" \* \* \* \*

"Let but South Carolina, *even alone*, set up for herself, and establish such commercial relations with Great Britain as would be best for both parties, how long would it be before Great Britain would see her interest in *permitting and encouraging and aiding Jamaica and her other West India Islands, to form one State, and Demerara another, and to enter into confederacy with South Carolina?*"

And as a matter of course, a new slave-trade from America would be established by the aid of England in this hopeful project.

"Getting slaves from the continent, they would need no more protection, and all clamor about 'slave-grown sugar'

would cease forever. Entering the ports of England under a moderate revenue tariff, the sugar would find its way to the operative at half its present price, and the poor woman, wasted and worn by her twelve hours of unceasing toil, would not be obliged to deny herself the cheering influence of her indispensable cup of tea—her only luxury and not her least necessary.”

It is with such food as this that the mind of warm-hearted, impulsive, credulous Carolina is fed to nurture this project of disunion !

Extravagant as this declamation may appear to a calm reader, capable of estimating, at their true value, the happy certainties that belong to the present and the future of a State in the American Union, and the dreadful uncertainties that impend over separation, even in its most hopeful reckoning, it nevertheless expresses the views and expectations of that portion, at least, of the community in which it is uttered, who have been allowed “to instruct the Southern mind and fire the Southern heart” for the momentous struggle which is now inaugurated in South Carolina. In that aspect it is worthy of special notice at this time.

It demonstrates what I have already intimated, that the secession movement is not the suddenly inspired project of the present day ; that it does not grow out of the events of the recent canvass and election, nor even primarily out of that agitation of slavery, which constitutes the flagrant cause of disturbance in the Border States.

If we analyze this paper we shall see that the aggressions of the Northern States upon the peaceful employment of Southern labor, is scarcely referred to at all ; that the real and predominant grievance complained of is found in the old question of taxation. The support of the government by imports, regulated to the revenue standard, is presented as an abuse tenfold more oppressive than all the tyranny that led to the revolution of seventy-six. The State of South Carolina and her few uncomplaining sisters are represented as groaning under the intolerable burden of paying the *whole revenue* of the Federal Government and getting nothing in return. This is a



repetition of the grief of 1832, when the country was mystified with that most inscrutable of all revelations, "the forty-bale theory,"—and which so far prevailed in the philosophy of the National Councils as finally to secure the triumph of what is claimed to be the free-trade adjustment of 1846,—which adjustment, it seems now, is no more satisfactory than the protective system it displaced.

It is also worthy of note, that the rabid abolitionism of England, of which so much has been said of late in the way of denunciation, and which, in fact, is quite as mischievous to Southern peace as the fanaticism it encourages in New England, is regarded not only as harmless, but even as not standing in the way of a most cordial alliance with Great Britain. The reviewer actually apologizes for this little indiscretion in the expected ally, and treats it with a temper of good sense which might be commendably adopted in regard to the same transgression at home—"can they interfere with our institutions? No. They can but make us angry."

We have a further exposition of the policy of disunion, in the imagination of a Southern Confederacy composed of Jamaica, and other British West India Islands, and Demerara—or, I suppose, the reviewer meant British Guiana on the South American continent—to which may now be added as a more recent development of the grandeur of the contemplated republic, the conception of similar accretions embracing Cuba, San Domingo, Mexico, and perhaps Central America. This Confederacy, if we mistake not the significance of many ill-suppressed hints from indiscreet friends, is to be rendered still more magnificent and bountiful of blessings, still more attractive to the contemplation of mankind by the aid of a productive commerce in African slaves, which seems to be not the least winning feature in the project.

These are the fervid dreams of the contrivers of disunion. For such fantasies as these, our great Republic, the matured product of so much thought and suffering, is to be rent asunder, just at the era when we fondly imagined it to have risen

to that height in the estimation of mankind which gave it an assured position among the proudest empires of history. For such impracticable conceits as these, it is to be resolved into discordant fragments whose perpetual jars may illustrate the saddest moral of blighted hopes the world has ever known !

We might bear this melancholy lot with submissive patience, as the chastisement of offended Heaven, if we could believe there was any cause to give it the semblance of an unavoidable affliction ; if, indeed, it did not spring from the merest wantonness of a temper engendered by too much prosperity—or ingratitude to God for blessings too profusely bestowed to be valued.

There is something in the time and in the pretext chosen for this great work of mischief that peculiarly provoke remark. The pretext is the general agitation of the Southern mind by the Northern triumph over slavery. What quarrel there is that grows out of this, is, as we have affirmed, the just and proper quarrel of the Border States. That quarrel does not necessarily, and most probably would not, lead to a breach of the Union. Firm remonstrance and wise counsel, aided by that strong attachment to the government, which, both North and South, lives in the heart of millions of conservative men may bring a truce,—which, indeed, is already begun,—auspicious to reflection and the settlement of all these differences. It is no difficult matter in this breathing space, when considerate citizens are brought face to face with honest purpose of peace, to frame an adjustment in which future repose and sufficient pledge against the renewal of strife may be obtained.

It is just at such a time as this—in the interval when reason, judgment, and fraternal affection are beginning to infuse a benignant influence over the disturbed mind of the country—that the master-spirits of the new Confederacy rush to the verge of the gulf and drive their maddened partisans to the dreadful leap that makes recall impossible. They pursue their desperate course without a moment's pause, neither looking back, nor taking breath ; deaf to all entreaty of friends,

and blind to all sights but the visions that rise in the distant prospect. There they behold their Arcadia, with its phantoms of untold wealth, its free ports, its untaxed commerce, its illimitable cotton fields, its flattering alliances, its swarms of reinforcement from the shores of Africa. To reach this promised land, the only condition of the enterprise is to press forward with fiery haste and outrun the speed of the peace-makers.

In 1851, Carolina pursued her scheme of secession as resolutely as she does at this day, and only failed through the prudence of those who refused to accompany her. Her purpose was as ripe then, her hopes as high, as now. Yet, at that epoch there was no fear of a Republican President. There was then no question of intervention or non-intervention, no debate of equal rights in the territories, no Kansas, no John Brown. In the absence of all these, she had nothing but California and the Compromise to disturb her repose. Yet her sufferings, as she declared, were too intolerable to be borne. Let her speak for herself. It was the Union she could not endure. "Welcome as summer showers to the sun-parched earth"—(was the wail of her Quarterly of that time)—"welcome as heaven's free air to the heart-sick tenant of a dungeon, would come to us the voice of freedom, the word, the deed which would tend to burst our bonds, and in earnest faith contribute to the disruption of this proud fabric (once beautiful, but now rotten to the core) which, under the name of Union, threatens to crush us beneath its unholy power."

We cannot believe that this complicated tissue of extravagant projects, of fancied ills, of illusory imaginations, has taken any absolute hold upon the judgment of the really sound intellect of Carolina. The many wise and patriotic men, who have adorned the councils of the nation as well as of the State; the many whom we know in private life, distinguished for good sense, clear perception of duty and the highest order of ability, forbid the belief that, when this extraordinary tempest of passion shall subside, they will not be at hand to lead the State

to the path into which her true renown and her best interests invite her. We are aware of the bewildering force of popular excitement lashed into fury by the eloquence and the arts of ambitious leaders ; how irresistible it seizes upon impressible and ardent natures, how strangely it, sometimes, overmasters the discretion of the wise. But we also know that, in the very highest rage of its sweep, it is never without an earnest and silent dissent in the bosoms of grave and interested spectators who dare not, or, in the hopelessness of a hearing, will not even whisper a remonstrance against the heady current of the multitude. They abide their time. We believe that at this moment there is in Carolina many a sad and watchful citizen anxiously awaiting the day when the collapse of this overstrained ardor shall present an occasion to speak a word for the Union and for the stricken fortunes of the State, without fear of that stern and angry derision which now compels him to hold his peace.

But I leave this topic to recur to the question,—What is the proper duty of the Border States, looking to the contingencies of this unhappy strife ?

Obviously they cannot, in the present circumstances, cast their lot with Carolina. They cannot adopt either her passion or her policy. They can go into no confederation of the lowland States, organized on the principles and motives which they have so much reason to fear now direct and stimulate the ambition of Carolina. Then let them say so at once.

Let them say to her and to those who may unite their fortunes with hers, that, deeply deploring a separation which they would make every just or generous sacrifice to avert,—a separation that is forced upon them by a profound conviction that it is the only expedient left open to them to guard against still greater evils—they must submit to it as the inevitable destiny of their position.

The Border States have their own welfare to protect, their own injuries to redress. They believe that both of these may be accomplished within the Union. They have no issue with

any section of the Union, but that which springs from the hostility engendered in the minds, and manifested in the public action, of certain portions of the Free States. They have no hopes or fears which may not be encouraged or quieted by the lawful and orderly administration of the constitutional powers of the Federal Government. They regard that government as the wisest scheme that can be devised for the rule of this nation. They can never abandon it until experience shall convince them that it is no longer capable to resist its perversion by faction, or to protect the rights of every State and citizen.

That experience they have not yet had.

They acknowledge that in the resolution of the Union into fragments, which may be the possible result of the present disturbances, a contingency may be presented to them in which they will be compelled to choose their own lot.

Their first and greatest desire is to avert that contingency and to restore peace and universal concord among the whole sisterhood of States.

Supposing these to be the sentiments of the Border States, which, from every authentic indication, I cannot doubt, I venture to suggest for their consideration,—

The expediency, as a preliminary measure, of holding, at an early day, an informal Conference to be conducted by one or more distinguished citizens from each of the Border States, and from such of the other Southern States as may be opposed to secession in the present state of affairs—these to be selected by the Executive of each State—for the purpose of determining on a course of joint action to be recommended to the adoption of the whole number.

To such a conference I would submit the following propositions :—

1. The propriety of making an earnest appeal to the seceding States to retrace their steps and await the result of the measures proposed for the establishment of general harmony ; with a declaration that if this appeal be unsuccessful, they, the Border States, will be compelled to decline entering into



a Southern Confederacy as now proposed by South Carolina and her allies in secession.

2. That if the secession of South Carolina be followed by that of Alabama or any other State, and a serious breach of the Union be thus established, it will then be incumbent on the Border States and the other Southern States concurring with them, to take measures for their own security, by demanding from the Free States a revival of all topics of complaint between them and the Slave States, and the adoption of such stipulations on both sides as shall be satisfactory to each for the determination and protection of Southern rights, and for the restoration of harmony.

These stipulations would, of course, become the subject of a negotiation with the Free States ; a negotiation which should be conducted in a frank and conciliatory spirit, through such agencies as the parties may arrange.

I think it would be just to both parties, and would be likely to meet the general approval of the country, to direct these stipulations to the following points :—

The re-establishment of the Missouri line and its extension to the Pacific, as an easy, practicable mode of settling the territorial question on a basis with which the people are familiar.

The adjustment of the question of the rendition of fugitive slaves :

By such modifications of the provisions of the act of Congress on that subject, as shall remove every reasonable objection to it, compatible with its efficient adaptation to its purpose ; and by an agreement on the part of the Free States, to execute it in good faith, and to repeal all laws heretofore passed with a view to its obstruction :

This, coupled with an engagement, in case any State should find itself unable, by reason of the repugnance of the people to the execution of the law, to deliver up the fugitive—then, to be allowed and required, by way of alternative, to make a just indemnity to the owner, under such regulations as may be devised.

The settlement of the question in regard to the admission of New States on the foundation at present adopted, of leaving each territory to form a State Constitution in accordance with its own wishes.

Finally, a pledge to be given by the Free States to exert their influence, as far as possible, to discourage discussions of slavery in a tone offensive to the interests of the slaveholding States; and to endeavor to procure legislative enactments against preparations for assault on the peace of the States, either by individuals or organized bodies.

If there be any of the provisions proposed in these stipulations which may require an amendment of the Constitution—an agreement should be made to propose and support it.

3. If these stipulations can be obtained—then the Border States and concurring States of the South, which have not seceded, shall retain their present position in the Union.

But in the adverse event of these stipulations, or satisfactory equivalents for them, being refused, the Border States and their allies of the South who may be disposed to act with them, will be forced to consider the Union impracticable, and to organize a separate Confederacy of the Border States, with the association of such of the Southern and Free States as may be willing to accede to the proposed conditions.

4. When this programme of action, or such substitute for it as the Conference may devise, shall be adopted, it should be submitted, through the respective Executives of the States represented in the Conference, to the people of each, to be acted upon in a General Convention of those States, called by the direction and appointment of their several Legislatures.

5. That pending the whole course of this proceeding, the Border States and those concurring with them shall engage to prevent, by all means in their power, any attempt on the part of the Federal Government or of any State or States to coerce the seceding States by armed force into submission.

It may be a proper subject for such a Conference, as I have proposed, to consider whether it would not be useful, in any

event—even in that of the single secession of South Carolina, before any other States shall have followed her—to offer the Border States as mediators in the present unhappy differences, and to endeavor to procure, for the benefit of all, the stipulations I have described above, or some other pacific arrangement of the same character and object.

If the Border States can be brought into combination in the manner pointed out by those propositions, it is easy to perceive that they must immediately become the masters of the position from which the whole national controversy is most likely to be controlled. They will not only hold the general peace in their hands, by their authority to persuade an abstinence from all attempts at coercion ; but they will also be regarded and respected on all sides, as the natural and appropriate medium through which the settlement of all difference is eventually to be obtained.

By taking the ground, at the earliest moment, that they cannot unite in the scheme of the Southern Confederacy, and that if separation should, at last, after all efforts to avert it, be imposed upon them by an inexorable necessity from which there is no escape, they will be compelled to construct a Confederacy of their own, in which they may be able to associate with themselves, perhaps, the whole body of the Middle and Western States. If they, the Border States, shall firmly and dispassionately take this ground, such a determination cannot but suggest to the seceding States the gravest motive to pause in their meditated career, and to await an opportunity for further conference and debate. It will then be for these States to inquire with more deliberation than they have yet given to the subject, what will be the strength and capacity for self-support of a Confederacy unsustained by the power and resource of such communities as those which decline the alliance. When that question comes to be seriously discussed by them it will present many new and momentous considerations which have not yet been canvassed.

The popular notion of a united South is but an impractica-

ble fancy. A united South is a more uncertain problem than even the support of the present Union under the difficulties that now surround it.

I think it will appear to any careful explorer of the subject, that if the fifteen States south of Mason and Dixon's line were to enter into a Confederacy among themselves, such an organization would speedily prove itself to be more productive of dissension than the present Union has been during the last twenty years.

The policy prefigured by the seceding States is in many points wholly repugnant to the views and interests of the Border States.

These latter could never be reconciled to be made accomplices in the disgrace and guilt of a restoration of the slave-trade ; they would never undertake to face the indignation of Christendom which would arise upon its revival—much less would they agree to involve themselves in the expense and burden of the wars that it would inevitably provoke.

The Border States would scarcely less endure the commercial system, so often and conspicuously insisted on by Carolina and her comrades in secession, by which free ports are demanded and the consequent necessity of a public revenue resting upon direct taxation.

They could not be persuaded into that expansive policy of annexation and conquest which has dazzled the imagination of the South and tormented the ambition of its people, in persistent forays upon neighboring States and perpetual schemes of acquisition.

The Border States exhibit within their area a representation of almost every interest and pursuit in the Union. They are thriving and vigorous communities, with most prolific resources for every species of industry. Their agriculture furnishes an abundant supply of the sustenance of life, with a large surplus for external commerce. The region occupied by these States embraces also a wide area adapted to the culture of hemp and flax, tobacco and cotton. It abounds in mineral

wealth, in water power, in pasturage, in cattle, sheep, horses,—in all the elements of the most diversified manufacturing industry. Its healthful climate, its robust population, and its cheap means of livelihood are singularly favorable to the growth and prosperity of the mechanic arts, the multiplication of villages and the gradual increase of thrifty and industrious workmen in every department of handicraft—invariably the best indications of the progress of a State to wealth and power.

Beginning at the cities of Baltimore, Richmond and Norfolk on the Atlantic, and extending over a broad domain studded with flourishing inland towns, it ends at the city of St. Louis on the Missouri, presenting throughout the series every facility for a wide and profitable commerce, already furnished with railroads, canals, and navigable rivers.

Here are all the elements necessary to the organization of the polity of a first-class power. In extent of territory, in resource, in population, it may take rank among the master States which, in any new combinations of the fragments of our once happy Union, broken by the madness of faction, may hereafter be gathered from the wreck.

In the worst event that may happen, therefore, greatly as every old-fashioned lover of the Union may deplore the necessity for such a work, here are the ready materials for the construction of a new nation able to protect the welfare of its people, secure their peaceful pursuit of happiness, and furnish a safe refuge to all who may flee to it to escape the disorders and distractions of the time.

It is a sad speculation which forces us to the computation of the resources of any section of our present Union, with a view to the exhibition of its capacity for independent existence; but when the vision of a united South is conjured up to our contemplation, as a possible or impending reality, we are compelled to face and question it.

I have therefore looked at the character of the Border States, to show how incompatible their interests are likely to prove with the policy which is deemed essential to other sec-



tions of the South. It must be apparent from even this brief examination, that communities of such different pursuits, and marked by such variant conditions, would scarcely find, in political alliance with the projected Southern Confederacy, that harmony of interests which is essential to the prosperity of both.

The four or five States now reputed to be most likely to enter into compact with Carolina may be described as chiefly representing one vast cotton field. The whole region embraced by them is, in all physical qualities, if we except Georgia, thoroughly homogeneous. Its business is planting. It has no mechanic art and but few manufactures. Its rural inhabitants are divided between numerous proprietors of the soil and their slaves—the proprietors, in great degree, migratory, the slaves stationary—thus necessarily creating, in many locations, a great preponderance of slave population. Its productions are singularly valuable as one of the most indispensable wants of mankind, and readily exchangeable into money. This exchange is made through an active factorage that has built up prosperous cities and created a large commerce. So far as this commerce is concerned with the planting region, it is reduced into a simple system of transactions in the great staple of the country—a commerce without variety of resource, and too dependent upon the accidents of a single product and the vicissitudes of season, to support a costly mercantile marine, and which is therefore compelled to seek its transportation from foreign and friendly sources. Such a commerce, we must perceive, is peculiarly exposed, not only to damage, but utter overthrow by the occurrence of war. In its overthrow, the whole resource of the country is destroyed. This is the common and inevitable weakness of all merely agricultural countries.

If Louisiana, shaken from her balance by the fervor of the moment, could be persuaded to join this Confederacy, she would contribute, it is true, not only another resource in her product of sugar, but a great commercial mart of commanding

importance in the trade of the world. It might nevertheless be questioned whether even so valuable an acquisition as this would, in the end, turn out to be a permanent accession of strength. The prosperity of the city of New Orleans is so essentially united with the fortunes of the West—in fact, so entirely dependent upon them—as to suggest many possibilities of collision, both on the part of the city and State, with the policy of the government to whose control they would have surrendered themselves. Indeed, with the obvious motives for hesitation which must occur to the intelligent judgment of Louisiana, against the wisdom of entering into the proposed Confederacy, it is scarcely to be presumed that she may be seduced, even by the passionate solicitations of her present anger against Northern aggression, into a measure, in its best aspect, so doubtful ; in its apparent probabilities, so rash.

She cannot slight the consideration that the adverse possession of a great seat of trade at the mouth of the Mississippi may furnish in the future, as it has done in the past, a fruitful source of quarrel between the power that holds it and the numerous commonwealths upon the banks of the river and its tributaries, which now claim its free and uninterrupted use, together with its *dépôts*, at all times and in all contingencies ; that there is no form of agreement or treaty which can afford complete and invariable protection to this enjoyment ; none that would probably be regarded as an adequate equivalent for the surrender of the right which has been acquired by purchase out of the common treasure, for the benefit of these claimants.

Will not these reflections suggest a pregnant inquiry whether the defence of this mart by a confederacy foreign to the claimants may not prove a charge too costly to be compensated even by the unquestionably great advantages of such a possession ? Does it presignify no danger that, in the vexatious emergencies of future years, there may be provoked a new motive in Louisiana, for *secession* from a confederacy that is to be built upon a full recognition of that doctrine ? In view

of these possibilities and many others that experience may bring to light, may we not assume that Louisiana will prudently weigh the question of her own permanent peace and prosperity before she takes the step to which she is now invited? Will it not be equally well for the new Confederacy to deliberate upon the point whether such a possession may not be as much a source of weakness as of strength?

Looking back to the elements—with that notable exception to which I have already adverted—which are expected to compose this Confederacy; to its people and pursuits, and the peculiar character of a large portion of its population; to its deficiency in mechanic art, its defective supply of the staff of life; to the influence of its climate; to its entire destitution of the means to build and man ships, and to many other disabilities which will occur in any review of its resources, we cannot but think that this fancied New Atlantis, which has so possessed the imagination of its votaries, will, upon trial, prove itself to be the most defenceless, and, in a significant sense, the weakest of independent nations.

It may have some hope of rising above this condition by the accession of the State of Georgia. If that vigorous commonwealth, in an hour of blindness to its own happy destiny in this Union, should fall into the fatal error of joining in this alliance, it will be, as every one must admit, a constituent of real strength in the Confederacy. Georgia would then arise to the unenviable supremacy of being the only solid and trusty support of the whole fabric. She has already, under the auspices of a Union which has conferred nothing but blessings upon her, advanced beyond all her compeers of the South, to the position of a truly powerful and commanding commonwealth. Surely, before she takes this fatal step, she will meditate over the prosperity of her admirable effort in the establishment of manufactures, her multiplying towns and villages, her fertile and healthy uplands, her rapid growth in peaceful arts, and her thousand capabilities of ever-varied industry, and anxiously and coolly weigh the question, whether she

should put all these in jeopardy by submitting them to the domination of such a policy as the new Confederacy will offer her. But if, in full view of these admonitions, she chooses to be led into the first movement toward this combination, may we not hope that in a calmer moment than the present she will retrace her steps, and once more place her better destiny under the guardianship of the Stars and Stripes—the only symbol worthy of her fortunes and her hopes?

Georgia has not yet left us. Let us trust to the clear judgment and earnest patriotism of her hosts of friends to the Union, and to the eloquent and manly counsel of her sons, that she will move with more deliberate pace, and in company with more temperate comrades, along the path of conciliation and trial, before she ventures to lend a hand to the demolition of the government under which she has grown to her present stature. And if that day of destruction must ever come, let her be found among the ruins, with kindred congenial to her own nature, employed in the task of gathering the fragments of our broken Union together for reconstruction and renewal of its ancient harmony.

Texas is looked to as a component of the new Confederacy. Her lot, if dissolution be a settled fact, and a general *sauve qui peut* should compel her to decide upon her whereabouts, I presume, would be once more to raise her banner of the Lone Star. She is a young nation, quite able to take care of herself. She exists as a portion of the American Union by a simple resolution of Congress. A dissolution repeals that act and remits her to her original position. She becomes again a detached and independent power; and, in that event, may wisely judge it to be her true policy to accept the position and maintain it. We have yet no proof that she has so soon become weary of the Union which, but a few years gone by, she so eagerly sought, and which has, in that short interval, heaped almost fabulous treasures into her lap. On the contrary, what proof we have presents her in the attitude of a hopeful friend of peace. We pray that she may prove steadfast to the

admonitions of the wise and true-hearted hero whom she has honored with the highest gifts she had to bestow !

This is a brief survey of the materials which, in the sad event of the disruption of our Confederacy, many suppose may be moulded into a united South. It exhibits two divisions of the present slaveholding States—separate, not hostile—but divided from each other by nature and incompatible conditions, impossible to be brought into harmonious alliance under any system of political organization founded upon the basis of what are deemed the essential and peculiar interests of either.

I have endeavored to demonstrate my conviction that with whatever caution or friendly spirit of compromise they might begin the experiment of Confederation, they would infallibly lapse into antagonisms through the collision of which their association would soon be reduced to a mere political form, as impotent to hold them together as our present Union is likely to prove under the doctrines which one of the divisions I have mentioned above has already proclaimed and adopted as the indispensable condition of its alliance.

Among many topics of discussion which would arise in the course of that experiment, there is one which would certainly loom into fearful proportions as a source of constantly increasing discontent. It is exemplified in our present history, and would find even a more acrimonious revival in the progress of the supposed new alliance.

The tendency of nearly all—perhaps I might say of the whole—of the Border States, in considerable portions or sections of each, must be under any form of organization—whether in the present Union or out of it ; whether pursuing their own welfare united with the whole South, or in a Confederacy of their own—toward the increase of free labor by immigration and settlement, and to a correlative gradual diminution of slave labor. That process is marked out for them in the future, as it has been in the past, by the irresistible law of their nature. It is an onward force which derives its vigor from the stimulus



of interest, and is both the issue and the exponent of the prosperity of the community itself. In the grain-growing portions of these States, this process will be more rapid; but, even in the planting portions, though slower and perhaps for a time imperceptible, its influences will be felt. As population increases and the competition of labor becomes more intense, these States must expect a continuance of the same partial and progressive mastery of free over slave labor which is now visible in many local divisions of their own area, and which has been slowly and steadily converting slave into free States from the date of the Revolution down to the present time. Maryland, portions of Virginia, Kentucky, and Missouri are moving onward to the final condition—remote but certain—of free labor communities. That movement may be greatly accelerated by extrinsic forces. The enhancement of the value of slaves draws this labor from a less productive to a more productive region—from the wheat to the cotton field. The depreciation of the value has, to some extent, a similar effect. By impoverishing the owner, it compels a necessity to sell, and the purchaser is most likely to be the agent or factor of the cotton planter. In either case the gradual decrease of slavery in the farming region—I use this designation in opposition to the planting—is the constant result. The establishment of the slave-trade would not be without its effect in the same direction. It would create disgust in many against slavery itself, and thus lead to emancipation. These contingencies are entitled to consideration as causes which, in the lapse of time, may operate more or less actively upon the interests, habits, and sentiments of the Border States to produce not only a sharp diversity of views and policy, but also dissension and conflict between them and other sections of the South. They would grow to be reckoned as unfriendly to the South, or, in the current phrase of our day, “unsound” on the question of Southern institutions. They would thus be regarded with a growing dislike, and, in the end, put to the ban of extreme Southern opinion, under the odious and comprehensive appellation of abolitionists.

Not in this question alone would be found a source of jealousy and division. Political ambition would contrive many pretexts for quarrel, and parties would vent their discontents in threats of secession and new combinations. Disunion would find a terrible precedent in the example of the present time, and grow to be the familiar and frequent threat, and often the actual deed of disappointed States. Mr. Jefferson long ago described this very condition of things. His words now reach us with solemn warning, as counsels sent to their erring sons from the sanctuary of our departed fathers.

“In every free and deliberating society,” he says, in a letter to John Taylor, in the year 1798, “there must, from the nature of man, be opposite parties and violent discussions and discords; and one of these, for the most part, must prevail over the other for a longer or shorter time. Perhaps this party division is necessary to induce each to watch and delate to the people the proceedings of the other. But if, on a temporary superiority of the one party, *the other is to resort to a scission of the Union, no Federal Government can ever exist.* If to rid ourselves of the present rule of Massachusetts and Connecticut we break the Union, will the evil stop there? Suppose the New England States alone cut off, will our natures be changed? Are we not men still, to the South of that, with all the passions of men? Immediately we shall see a Pennsylvania and Virginia party arise in the residuary confederacy, and the public mind will be distracted with the same party spirit. What a game, too, will one party have in their hands, by eternally threatening each other, and unless they do so and so, they will join their Northern neighbors! If we reduce our Union to Virginia and North Carolina, immediately the conflict will be established between the representatives of these two States, and they will end by breaking into their simple units. Seeing, therefore, that an association of men who will not quarrel with one another, is a thing that never yet existed, from the greatest confederacy of nations down to a town meeting or a vestry; seeing that we must have somebody to quarrel with, *I had rather keep our New England associates for that purpose than to see our bickerings transferred to others.*

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A little patience, *and we shall see the reign of witches pass over,*

*their spells dissolved, and the people recovering their true sight, restoring their government to its true principles."*

We may commend both the philosophy of these extracts and the prophecy with which they end, to the sober meditation of all who think the evils of the day incurable.

It is proper for me to say here that the propositions I have submitted as the foundation of a settlement, to be urged by the Border States, are but selections from the many suggestions which have in various forms been lately thrown before the public. I have selected these, not only because I think them altogether just, in view of the rational demands which both North and South are entitled to make upon each other, but also because they seem to have met a larger concurrence from the conservative portions of the people, on both sides, than any others that have been brought into discussion. A temperate debate of these propositions and their recommendation by the authority of a grave and influential convention of eminent citizens representing the moderate conservative opinion and the most important interests of the country—which I do not doubt greatly preponderate in both sections, and are quite able to outweigh and overmaster all the leaders and followers of the ultraisms of both—would, it strikes me, command, at once, the assent of the most authoritative mass of citizens, and gradually bring into submission, if not concurrence, the whole disturbing force which now distracts the public peace.

The advantage which the Border States hold in this controversy is very manifest. As I have said before, they are the masters of the position and may control the events of the future. It is in their power to isolate those portions of the Union which are most violent and reckless in driving the country to extremes, and thus give them occasion to perceive that they are to find no support out of the circle of their own impetuous allies. They have, also, the power to give, even to these, a strong assurance that every fair and just complaint they are entitled to make shall be redressed by satisfactory arrangements which they, the Border States, will demand, and

will most assuredly procure. The North will listen to their demands and meet them in honorable conference, with a temper of conciliation which it would be hopeless to expect from a conference representing the more excited and exacting portions of the South. We have proof of this temper furnished every day in the Northern journals. The abolitionists proper, the firebrands of the North, have lost their influence and would have no share in any movement towards a settlement. The truth is, that by far the greater number of the people of the Free States are awakened to a new perception of the danger which has been produced by the violent assaults of the North upon the South, in which they themselves have more or less participated without dreaming of the bitter injuries they were inflicting upon the public peace and integrity of the Union. They have listened to evil counsellors and have been led away by the inflammatory philosophies of their own ambitious leaders. They see this now, although they have not seen it before ; and in this awakening of their minds to the reality of the crisis, they are ready and willing to make every proper concession for the restoration of present tranquillity and for protection against future disturbance. They are thus fortunately able and well inclined to drop, henceforth and forever, this offensive and detestable agitation of slavery, which they now perceive to be a real and dangerous grievance.

Our purpose should be to negotiate with this class of men. It can be only effectually done by the Border States. A General Convention of all the States would, inevitably, produce more bickering and confusion in the present state of affairs. Even a General Convention, as has been proposed, of all the Southern States, with a view to their own course of proceeding, would be attended with the same difficulties. It would run the risk of being converted into a theatre of angry debate upon extreme propositions, and would be as likely, as the Charleston Convention in May, to be broken up by the secession of discontented members who could not get all they asked. A Convention of the Border States would have no

difficulty of this kind. They would be harmonious, just and reasonable in their views, and firm in meeting the real evils of the time, by offering and demanding a full and adequate remedy for them.

This would be their position in the first efforts towards peace and permanent security. If they succeed in obtaining a just settlement, the seceding States could not resist the necessity of acquiescing in such a settlement, and of returning to the Union. As they calmed down into a cooler mood, and brought their unclouded judgment to a consideration of the case, they would cordially approve and support the settlement, and the whole country would thus receive an incalculable benefit from the present commotion. It would be a great and happy purification of the *morale* of the country, and we should all rejoice that the crisis has been turned to such good account.

But if this service, proffered by the Border States, should unhappily fail to produce these results, in this first stage of the process of pacification, they would still occupy a ground not less important and beneficial in the second and more remote phase of the quarrel.

Supposing a disintegration of the Union, notwithstanding all efforts to prevent it, be forced upon us by the obstinacy and impracticability of parties on each side—the case would still be far from hopeless. The Border States, in that event, would form, in self-defence, a Confederacy of their own, which would serve as a centre of reinforcement for the reconstruction of the Union. The attraction of interest and good brotherhood would instantly become effective to draw to this nucleus, one by one, every State in the Confederacy. A beneficent power of gravitation would work with irresistible energy in bringing back the dislocated fragments. New York, New Jersey, and Pennsylvania would be among the first to fall in. Illinois, Indiana, Ohio, perhaps all the Western States, would be unable to resist the tendency towards this centre, and would come into cohesion with an utter abjuration of all those fancies and follies which



have been engendered by the slavery question. And when it was seen that North and South could thus unite on a basis perfectly free from the disturbance of these old questions, the more moderate of the seceding States—Georgia especially, if she be one of them—would come to the acknowledgment that their true interests directed them to the same reunion. Last of all, the most ultra States of the secession movement would obey the same law of attraction, and, once more, after a lapse of weary trial and profitable experience, we should see the Union reconstructed by the healthful agency of the Border States.

Those who have carefully noted the progress of political opinion for more than thirty years past, and marked the tendency of its teaching, toward the adoption of certain distinctive theories of Government having reference to supposed geographical interests, have been able to predict the certainty of a convulsion that, sooner or later, would present an inevitable necessity for a reconstructed, or, at least, a reconsideration and explicit determination of the principles upon which the Union is to be preserved.

The present ferment is but the verification of this prediction.

If wisely handled, as I have shown, it may be productive of inestimable good. If allowed to solve its problem under the guidance of the fierce instincts and rash counsels of those who have first assumed its direction, it will become the source of an "Iliad of woes"—not to the present generation alone, but to many generations hereafter.

The time and the occasion, therefore, demand the most free and full examination of the causes, open and concealed, which are shaking the loyalty of the people and turning men's thoughts towards disunion.

I have endeavored in these pages to demonstrate that there are other and more secret discontents in our condition than those which grow out of the slavery question.

While we painfully perceive and feel that the action of the Northern States on that question, and, still more, the wicked

fanaticism of individuals and sects in preaching hostility to the peace of the South, have kindled in the mind of the whole population of this division of the United States a profound and just indignation against this wanton spirit of aggression which, if not arrested, we have long been conscious, would surely lead to a rupture of the Union,—it is also a matter of deep concern that we should apprehend and notice the fact that there are other disturbing forces operating upon sections of the South—perhaps in some degree owing their vitality to the alienation produced by the slavery agitation, but now apart from it and looking to other subjects,—which have grown to be seriously hostile to the harmony of our united system of government. My aim has been to bring these into view, as well as the more pervading topic of discontent, in order that, in the attempt to restore peace and confidence, which is practicable through the settlement of the slavery dispute, we may not be misled by the clamor of those to whom such a settlement would be but the frustration of a cherished design. The dissatisfaction of this class of agitators must be left to the cure of time. There is no mode of treating it but to let it alone, consigning it to the good sense and right reason which it has to encounter at home.

It will, doubtless, be received as a bold assertion, when I say that the slavery question, as one for political cognizance in the United States, presents the most futile subject for legislation or administrative policy, perhaps, within the whole range of measures consigned to the notice of government.

It cannot be controverted that the whole power of the Federal Government is inadequate to change the condition of a single slave within any State of the Union. Nor can any combination of party, with all the aids which the apparatus of government may afford, with all the temper of proscription and intolerance that fanatical zeal may beget, with all the concurrence of sectional State legislation, ever be able to make a successful invasion of the rights of the smallest of the Slave States. Such an attempt would meet the instant resistance not only of the whole circle of those States, but with the re-

sistance of three-fourths of the people of the whole country. That parties and individuals may threaten irrepressible conflicts and undying hostility, is true. But, as to acting upon such threats, the Constitution renders them as powerless as children.

And in regard to slavery in the territories—although there may be ground on which the government may claim to control it, I affirm that, as a practicable policy, no exercise of that power, in the present actual condition of the domain possessed by the nation, can either force the establishment of slavery into a territory ungenial to it, nor keep it out of one adapted to its employment. I mean, that there is no motive of interests to take slavery, as a permanent thing, to a region where it is unproductive ; nor any motive, either political or philanthropic, to forbid its transfer to the region where it is essential to the interests of production. At this time we have no territory in which there is any possibility of raising the question ; but if we should obtain one in a planting region, it would be settled from the population of the slaveholding States without a notable opposition from any section of the Union.

The agitation of slavery, therefore, notwithstanding its engrossment of the country and the odious prominence it has assumed, is, after all, but a parade of idle and mischievous debate. It lives upon the incessant ministration of stimulants supplied by small declaimers in quest of notoriety. It is, in the present generation, a moral epidemic which has seized upon whole districts, like St. Anthony's Dance in the fourteenth century. The fancy of getting up "a great abomination," in order to turn it to account as a topic of popular preaching, is as old as the first consecrated cobbler. Nor is it at all a new thing to set up a popular sin to be extirpated by law. Many quack politicians have been wasting their energies for years upon the abortive attempt to legislate peaceable families into the disuse of spirituous liquors, by bringing alcohol into platforms and making parties upon it ; but alcohol has gained the day and the Maine Liquor Law has become a dead

letter. The world laughs at this prodigality of ineffectual zeal. May we not learn to treat with quiet scorn the more malignant but still impotent ebullitions of the sanctimonious vanity of New England?

In truth, slavery has not, in itself—I mean African slavery as now existing in the United States—the condition for any vehemently honest indignation against it; nor, on the other side, for any vehemently honest affection for it. It is simply a very appropriate and necessary agent in the interests of civilization where it is; and would be, generally, a very wretched thing where it is not. The wrath that is stirred against it, and the patriarchal beauty that is claimed for it, are both the offsprings of excited imaginations. African slavery, in this country, at least, is, for the most part, a clear gain to the savage it has civilized. Whatever it may be to others, it has been a blessing to *him*. It is also clearly a blessing to Massachusetts, and to England, France, Germany. But, it is a very doubtful blessing to the master who has charged himself with the solicitude of supporting, employing, and caring for the slave; it is, at best, but a mixed and greatly diluted blessing to him. Strange, that those who enjoy the unmixed blessing of sharing the profits of slavery, should be the rancorous conspirators against the peace of him who takes all its burdens and hazards upon himself!

The true solution of all this extravagance is, that the importance given to the questions evolved by the slavery excitement, is the mere artifice of politicians. Our slavery would have slept quiet under the surface of society, until the day of its appointed term, if it had not been found serviceable as a figure for the arena of politics. Unfortunately, it is a topic of singular capability for either a discourse in the pulpit or a speech upon the stump; the most fruitful for exaggeration, the most sensitive for alarm. It has proved to be a “drawing” theme for sensation parsons in pursuit of popularity; for sensation politicians in pursuit of the Senate; for speculative editors who are anxious to increase their subscription lists by



means of pious politics and cheap philanthropy. It has shown itself capable of converting atrabilious tradesmen into governors, legislators, and judges ; and of lifting up innumerable apprentices, journeymen, colporteurs and pedagogues to the elevation of shining lights in the Conventicle. It has fired the soul of many a cross-road orator of the "sunny South" with indignant and eloquent wrath against universal Yankeeedom ; and given birth to scores of conventions and thousands of resolutions, to expound the Constitution on the theory that its authors did not know what they were about.

Then, again, it has furnished to strong-minded women, who have declared their independence of the petticoat, an occasion for an equally heroic abnegation of the prejudice of color, and so to bring both pantaloons and amalgamation into their bill of rights.

It has over and over again supplied a conclave of crazy fanatics, in the orgies of their anniversaries, with an opportunity to denounce the Union as a covenant of hell, and the Bible and the Constitution as a double curse to mankind. It has, on the other hand, wrought the remarkable effect of diverting hot-headed young politicians from their newspapers to the study of the Scriptures to find texts in the Pentateuch and the Epistles of Paul, to convict the whole North of the iniquity of blaspheming the "divine institution."

It has done all this and a thousand times as much, but it has never yet succeeded in establishing a single point for which it has professed to contend, nor accomplished a single result at which slavery would not have sooner arrived, if left to the silent evolution of its own destiny ; always excepting, from this denial of its doings, that solitary achievement—in which its success has been perfect—the opening of a Pandora box of murder, rapine, implacable hatred and revenge.

It has made and defeated Presidents, cabinets, and diplomatists, has got up wars and annexations, built and destroyed platforms ; but it has been utterly impotent to arrest the steady increase of slave labor, or its transfer to whatever region it



has been found profitable to remove it. So far from promoting lawful emancipation, or checking either the growth or productiveness of slavery, it has wholly arrested the first, and has witnessed the augmentation of the value of the slave and the profits of his work a hundredfold since the agitation began.

These are the chief triumphs, and these the failures of a slavery agitation of thirty years, conducted by men claiming to be intellectual, conscientious, and stricken with a conviction that it is the great and paramount duty of the age to reform, what they have wrought themselves to believe, the damning sin of a nation. For this, clergymen who think they have "a mission," spouters who think themselves orators, and politicians who think themselves statesmen, have gone on laboring all these thirty years, in the same ceaseless and fruitless routine of sermons, philippics, conventions, and discourses; vexing the heart of the South with vulgar vituperation and insult, and ruffling the temper of Congress with silly petitions to do impossible things, showered, in endless profusion of repetition, from the kitchens and primary schools and factories of New England.

So far as the agitation kept within the limits of this phase of its career, it was comparatively harmless. It could only provoke, but could not sting. In the language of the reviewer I have quoted above: "It could but make us angry." The South, indeed, are to blame for their loss of temper under this provocation; as that really afforded the assailants the only gratification they had. It would have been wiser to treat it as more self-possessed nations are accustomed to treat the extravagancies of fanaticism; as we ourselves, indeed, now treat Mormonism, or free love, or the nonsense of Fourierism.

But the agitation in the last few years has become venomous. It has directed its activity towards disunion and destruction of the Government. Finding that the pretence of conscientious regard for law and action within the pale of the statutes cramped its benevolent designs, it changed its tactics and

entered into a more congenial career—devoting its energy to a plot for illegal and even treasonable disturbance, by enlisting companies and providing facilities for stealthy abduction of slaves, by provoking servile insurrection, and by armed incursions against the peace of communities within the slaveholding region; while, at the same time, it solicited and won the co-operation of many States to this organized plan of felony, so far as to obtain from them the passage of laws to nullify the provision of the Constitution and the statutes of the National Legislature for the recovery of the fugitives which might escape or be abducted from the South.

This is the second and now existing phase of the agitation. Could any sensible man in the North suppose that a union of our States was at all possible if this system of assault and disturbance were recognized and sustained by any respectable or authoritative opinion in the Free States? Could any one imagine that if such a system of annoyance should receive the sanction of legislative bodies, of conventions representing a predominant power in any State, of religious communities, of parsons holding a grade above an insane fanatic, of professors of colleges, lawyers, merchants or gentlemen of any weight in society—in short, of any portion of Northern society that might be regarded as the exponent of the common opinion of the community—and not inevitably and inexorably force upon the whole South, not only the desire, but the duty to retire from a compact of union with all such States as fostered such an agitation? Between independent nations, such provocations would be the instant and just cause of war, and no nation, with the power to protect its own peace and honor, would hesitate to vindicate itself in that way.

This latter scheme of aggression presents the first earnest and effective movement towards disunion which has been made outside of the seceding States. The Free States which have encouraged, or co-operated in, this scheme, may claim whatever credit there is in being the first to set the ball of disunion in motion. The Border States, though the chief sufferers from

these attacks, have been loyal to the Constitution and Union, when these agitators have been recreant.

When the Republican party was organized in the bosom of this agitation, and abstract and useless speculations, touching the control of slavery by the Federal Government, were brought into the political field by both parties, to heighten and embitter the feud between the two sections ; when all the prestige and power of organized political forces predominant in the popular vote of the Union, were enlisted in battle array against the South ; when a President and Vice-President, contrary to all previous usage, were selected from the same section to represent it ; and when this new embodiment was heralded to the country, with proclamation that its purpose was the administration of the Government towards the enforcement of the theory of an irrepressible conflict with slavery, until every vestige of it should be banished from the Republic ; and that the aid of a higher law than the Constitution should be sought for the ratification of the act,—was there not enough to propagate a wide and fearful alarm throughout the whole South for the safety, not only of its property, but of its very existence ?

The systematic abduction of slaves, through organized Northern agencies, is already sequestering not much less than a million of Southern wealth every year. The final consummation of this movement to the destruction of slavery, would be the sequestration of one or two thousand millions of that wealth. It would be to turn several States back into a jungle for wild beasts. It would be to paralyze the industry and subtract one-half from the comforts of Europe and America. Is it at all wonderful that now, when that party has succeeded and has elected its President, that the alarm of the South should be increased, and that the Southern States should feel that a crisis had been forced upon them which is to determine whether we can have a Union in peace—or peace without a Union ?

These are the true sources of alarm to the South, and these the questions which the people there earnestly believe they have to solve.

If it were really true that the whole North were united in this scheme of aggression, then, indeed, the case would be hopeless. Hundreds of thousands in the South—the great majority of the people—believe this to be so. But it is not true. Happily, it is not true. The belief is the delusion by which the Southern mind has been cruelly abused : abused by credulous and ardent politicians ; by selfish demagogues ; by a prejudice, and, sometimes, by a wicked press ; by the politicians of party, who hope to find in the wreck of society something serviceable to the reconstruction of their power. No, it is not true that these are the purposes of any portion of the Free States, worthy of a moment's consideration as a force to influence the current of government. Three-fourths—I might say nine-tenths—of the people of the Free States are as guiltless of any imagining against the rights of the South, or its peaceful enjoyment of its own pursuits, as the people of the South themselves. Any one acquainted with the real opinion of the North will say, that the masses in those States are profoundly unconscious of the tendency of the doctrines of which they have heard so much, towards any serious assault upon the South. Their prurient tastes have been fed to plethora, with stories of the barbarism of slavery ; and, naturally enough, they believe that it is a very bad thing ; but as to meddling with it, further than going to hear a lecture upon it by the Rev. Mr. Pepperpot, and to feast upon his spiced flummery, they have not the least wish or purpose. As to dissolving the Union for it !—they open their eyes to an incredulous stare, and won't, even now, believe that there is a man in the United States so insane as to dream of such a thing.

To the conception of all this mass, constituting the whole real power of the Free States, the Republican party and the Republican President are but the regular successors to the administration of the government which, in their belief, is to be conducted in the old fashion of attending to the business of the country, to the preservation of the Union, and to giving as



much content as possible to every section and every interest in the country.

They are quite ready—I speak now of the people, and not of the politicians; the latter have already proved themselves to be Incapables, and the matter will have to be taken out of their hands—these masses are now quite ready to make any arrangements, constitutional or conventional, which may be found necessary for peace. They will come to any reasonable agreement upon intervention or non-intervention, squatter or non-squatter sovereignty, protection or non-protection of slavery in the territories,—without the attempt to unriddle these jargons,—that may be found requisite for the restoration of good temper and good will among the States. *They will do any thing to save the Union on principles adapted to make it perpetual.* It will not be three months before that will be the whole creed of the Republican party. Let the South be assured of this.

The first duty of conciliation lies on the side of that party. Let the North dismiss its obstinacy and its silence, and come, with its customary shrewdness, to doing the right thing. Get slavery out of that gigantic and tenacious conscience of theirs, which is such a voracious absorbent of other people's sins, and fill its place with Christian charity, and love of its neighbor, and other forgotten virtues, and we shall then find some returning sunshine. But let the Free States everywhere, and the sober, reflective, and honest men in them, understand, that *the old Union is an impossibility unless the agitation of slavery is brought to an end.*

There is nothing in the election of Mr. Lincoln which may now be regarded as an obstacle to this pacification. With whatever apprehension many may have allowed themselves to anticipate, from that election, the inauguration of a policy which would be one of continual exasperation, it is very evident, now that the election is over and the views of the new President are becoming known through the best accredited organs of the party he represents, that there is no reason to



fear his administration will not be conducted with a salutary and becoming respect for the rights and interests of every portion of the country. Indeed, from the date of the nomination of Mr. Lincoln, the presages of political events have all been favorable to a better hope of the future than we might gather from the pernicious zeal and intemperate proclamation of those who assumed to be the leading champions and most authentic expounders of the principles of his party.

His nomination was both a surprise and a disappointment to what may be termed the most demonstrative portion of the Republican party. He was selected as the more eligible candidate, in the belief that he would attract a support from States and large masses of the people who were not willing to adopt the extreme views upon which his rival for the nomination was put forward. And in the eventual trial he was elected, in great part, by a vote representing rather an opposition to the democratic, than a concurrence with the distinctive and exceptionable principles of the Republican party. In other words, Mr. Lincoln was both nominated and elected by what may be called the moderate, conservative division of the Republican party. And it is now claimed for him—and apparently with his own approbation—that he stands before the people of the United States unembarrassed by the extreme pretensions which were set up for the party in the canvass; and that he will enter into office not only with the determination, but with the desire to render his administration one of impartial justice to the South.

There is at least a good omen in this, and the strongest motive for an appeal to the South to wait for more explicit demonstration of the policy of the coming administration.

If the seceding States, in their zeal for a separate confederacy, are not willing to wait for this demonstration, it will be justly regarded by the world as a confession that the revolution in which they have embarked has only been promoted, but not originated, by the event upon which they have heretofore placed its justification.

If *they* are not willing to wait, the Border States will not be shaken from their resolves to wait and avail themselves of every favorable incident that may be turned to the account of peaceful adjustment.

Upon the new President will then devolve the responsibility of bringing the influence of the government, and the weight of his own admonition and example, to the duty of defining and determining (if that be not successfully done by his friends before his inauguration) the pledges which his party are disposed to give for the permanent establishment of friendly relations between the two sections of the Union. We have no reason to doubt that Mr. Lincoln's influence to this end will be propitious to peace. It will then be seen, that in the position assumed by the Border States—in their firmness, justice, and dignified bearing throughout this controversy—they will have become the authoritative and controlling power to devise and establish the foundations of a secure and durable settlement, with every provision for the preservation of Southern rights which the seceding States themselves could reasonably demand.

BALTIMORE, December 17, 1860.

## THE GREAT DRAMA.

## AN APPEAL TO MARYLAND.

IT is the most deplorable misfortune of our unhappy country, at this moment, that it has no authentic voice to speak its honest, sober judgment on the public affairs. Here we are in Maryland, involved in a dreadful revolution which has already convulsed society to the centre, torn up its prosperity by the roots, sown discord in families, alienated old and familiar friends, and spread consternation through the whole community. It has visited peaceful and thriving households with want, stricken down fortunes acquired by long and patient industry, scattered the small accumulations of humble thrift, and reduced to absolute beggary thousands and thousands of the best and most useful of our working population. These are the ravages of the first act in the Great Drama.

The second act is about to open upon us. The pride and flower of our youth are in arms. Hostile camps are gathering their forces. Wild, ungovernable and savage men are openly and stealthily armed with terrible weapons. Hatreds are cast abroad and sown in fierce hearts. Denunciation and proscription are uttered in undertones and with ominous threats of mischief. Soon we shall hear the clash of arms. What then? Read the wars of the Roses; read the marches and the raids of Cromwell; the ravages of the Palatinate; the fusilades of Lyons. Read, at random, any page that records the rage, the demonism, the hellish passion of civil war, and fancy the sack of cities, the brutal and indiscriminate murder of old and young of either sex, the rape and rapine, the conflagration, the shriek of surprised families, the midnight flight of mothers and chil-

dren tracking their way with bleeding feet—the mourning, the desolation, the despair which are all painted in such horrid colors in that history—fancy all these pictures converted into the realities of our own experience, and we shall then come to the perception of the second act of this portentous drama.

How does it come to pass that this, our prosperous State of Maryland—this, our beautiful City of Baltimore, is suddenly hurled into the bosom of this commotion? Why is it that Maryland, so remote from the first theatre of revolution, so little concerned in its issues, so reluctant to take sides in this miserable quarrel—Maryland, happy and peaceful—why is it that she is doomed to stand forward, the first to encounter the sweep of this storm, to bear its continuous brunt, and to give up her substance, her children and her homes, to the alternate ravage of contending factions, until war, wearied with slaughter and exhausted by its own destruction, shall no longer find a victim or a country to punish?

We answer this terrible question truly when we say that Maryland, like her sisters of the Confederacy, is allowed no free and honest expression of her thoughts. It is too painfully obvious that Maryland opinion is surrendered to the control of influences that repress all wise and earnest consideration of the momentous topics that belong to the public welfare. Its key-note is derived from the heated utterances of passionate and thoughtless youth, of impressible women and girls, of infuriated politicians, of all that multitude of excitable, rash, unreasoning persons who fly to conclusions under the impulse of prejudice, desire or interest; and lastly and more significantly, of wily, unscrupulous partisan leaders who are moved by premeditated design to accomplish a selfish party triumph. In the domineering ascendancy of these agencies over the public mind, the quiet, reflective good sense of the community is repressed; the orderly and industrious are kept in the background; the timid are overawed; the weak are silenced, and the credulous are misled.

The whole movement towards secession, even in the States

most favorable to it, has been artfully promoted by the fabrications of a false opinion. It has been borne along by a whirlwind of contrived excitement. The passions of the people have been inflamed by exaggerated representations of impending dangers ; by skilful exhibition of the idle ravings of mad and wicked fanatics as the settled views of the Government ; by startling conjunctures preconcerted by the managers to madden the temper and overwhelm the discretion of the populace, and by provoking outbreak and violence as the topics for frantic appeal to the manhood and patriotism of the State. The unnecessary bombardment of the starving garrison of Sumter was intended to stimulate the reluctant mind of Virginia to secession. The simultaneous seizures of Gosport Navy Yard and of Harper's Ferry were the arranged stimulants to confirm the wavering resolution of that State. The futile and calamitous attempt to resist the passage of the troops through Maryland was but another spur to quicken the speed of secession, by driving the State against its better judgment into rebellion. The secession enterprise, everywhere, has been remarkably characterized by the signs of a conspiracy to give the minority a command over the majority. It avoids reference to the popular consent, screens its plans from public criticism by secret sessions, and plies the machinery of passion to rush the people into the abyss of revolution, with the renunciation of all thought and forecast of its consequences.

There is something ungenerous, and even worse, in the advantage which the Seceding States have taken of the wise and patriotic sentiment of the Border States against coercion. When these latter States pledged themselves, in the beginning of the rupture, that they would not sanction any attempt of the Government to coerce the Seceders into submission, it was a pledge that the experiment of secession should be allowed to take its allotted course in peace, with the hope that peace would bring calm judgment into action, and, through its influence, an early return to harmony in the Union. Such a pledge implied a counter-pledge of moderation of counsel and honest



confidence in the unbiassed judgment of the people, by the Seceding States. It implied that the good sense of the country should be left free to act, with perfect immunity from artificial excitement, on the whole subject wherever it might be brought into debate. Instead of granting this freedom from agitation to the Border States, the secession party of the South, taking advantage of the promise against coercion, has busily employed itself in provoking collision by assault and spreading panic by alarm, and thus stirring the population of the Border into sudden revolt against the Government. They contrive a necessity for coercion, and then call on the Border States to resist it, in fulfilment of a promise really made to secure peace.

Such are the conditions in which Maryland is now invoked to imbrue her hands in the blood of civil war. It cannot escape observation, that, notwithstanding the large majority of the people of Maryland are now, and ever have been, true and faithful to the Union, and averse to every design to drag them into this ruinous career of revolution, there is an active, intelligent and ardent minority in the State who are bent upon forcing her into the Southern Confederacy; and that although this secession party, now accidentally in possession of the legislative power, finds itself compelled to succumb to the force gathering around it and to temporize with the difficulties it cannot surmount, it still cherishes the purpose of future control, and only lies at lurch waiting the events of the day, to make a new effort to array the State against the Government.

In this condition of things, it is of the profoundest moment that we should invoke the good sense of every patriotic citizen in our Commonwealth to look the danger around us in the face, and before it is too late, to make a united effort to recall our excited brothers to an honest and sober consideration of our destiny. The men of Maryland, of all parties, are too earnest, too faithful to their duty to themselves and the community in which they live, too honorable, frank and just, knowingly to perpetrate a wrong against the prosperity and happi-

ness of their own homes and kindred—their children and their friends. We accord the fullest honesty of intention even to the rashest and most thoughtless of those who are endeavoring to cast our lot upon the path of disunion. We believe them sincere in thinking that the honor and the welfare of the State demand that we should follow the lead of the bold spirits of the South who have plunged the country into this commotion. Our ingenuous and excitable youth have yielded to what we regard as but a natural impulse, when they bravely rushed to arms to resent what they were taught to think an invasion of our rights. In doing this, they have only demonstrated a noble and mistaken ardor proper to their age and temper, and which now but wants a good cause to win all the applause to which they aspire. They prove to us how much we may depend upon their manhood when the country really requires their arm. But they, like many of their elders, are acting under a delusion.

Maryland has no cause to desert our honored Stars and Stripes. Out of this Union, there is nothing but ruin for her. In the Union, dark as may be the present day, the stout resolve of Maryland to maintain her fealty to the faith of her fathers, will secure to her yet a glorious future.

Let us not fall into the fatal error of thinking that the great interests of the Union are irretrievably lost by the election of an Administration we do not like. At the worst the present predominance of a sectional party in the National Government is but a transient evil. We shall never have another but through the ignoble surrender of the loyal men of the South. Even indeed now, the perpetuation of such a party is an impossibility in the North. The excitement and storm of this day—if it has, for a season, unseated the prosperity of the nation—is worth all its privations, in the good it has already accomplished. It has forever put an end to that pestilent agitation of slavery which, for thirty years, has disturbed the repose of the country ; it has forever put an end to sectional Presidents and parties ; it has revealed a great truth to this nation

—that the Union is above all party, and that peaceful brotherhood is the most beneficent of all our blessings.

Let us bring our minds to a calm estimate of our own duty in this great crisis. There is but one issue before us, Union or Disunion. Every man in Maryland must meet that issue.

Union, on the one side, is loyalty, faith in the traditions of our ancestors, devotion to our historical renown, brave support of our country in its adversity.

Disunion—let us not evade the conclusion—is rebellion, desertion of our duty, dishonor to our flag; voluntary disgrace cast upon the names of the heroes and sages who have made our country illustrious in human annals. It is prompted by the assertion of a principle of anarchy which makes all government impossible; a false dogma which affirms a right of disintegration that may pervade every division of society.

This assumed right of secession is scouted by the judgment of the world. No jurist, no statesman, no man of honest judgment ever affirmed it until, in these later days, it was found to be the convenient pretext for a party design. Every President who has heard it uttered, every Cabinet, every State, every party, at one period or another of their progress, has disowned it. If Washington or Jackson were alive they would account it only as rank rebellion and would so treat it.

We may not shelter ourselves under the plea of revolution. Maryland has no cause for revolution. No man in Maryland can lay his hand upon his heart and say that this Government of ours has ever done him wrong; has ever stinted its bounty to him in the full enjoyment of his life, liberty and pursuit of happiness. We cannot answer to God or man, therefore, for plunging into the great crime of rebellion and treason. Our honor, our faith, our religion will rise up in judgment against us, to convict us of the greatest wickedness man can commit, if, on such a pretence, we lifted a bloody hand against the blessed parent of our political life. Is loyalty nothing? Submission to law nothing? Fidelity to duty nothing? Gentle-

men of Maryland, do these things no longer touch your honor? Will you listen to the sordid arguments of gain, to the mean persuasions of interest, to the fear of danger, to the wretched slanders of fanatics, to the dread of that vulgar obloquy which brands you with the name of "Submissionists," to seduce you from your allegiance to the government you have inherited from brave ancestors? Has the cavalier blood become so diluted in your veins that you can for such motives abandon your country in her distress? We mistake you, and have long misunderstood you, if that be the spirit in which you meet the crisis. No, no. Stand by your ancient flag.—Be true to Maryland and keep her where your fathers placed her, and when the time comes redeem your country.

For what does Secession now rear a mutilated banner?

For what cause does it invite us to take up arms?

We hear different answers to these questions.

Some, who think a sectional patriotism to be their greatest duty, answer, "For Southern Rights."

Others, who think worldly profit a higher motive, say, "For Southern trade."

Others again, who seem to be swayed by a kind of fatalism, say, "We have no choice—we must go as Virginia goes."

We have not yet heard the first man on that side say any thing about Maryland rights, Maryland honor, or Maryland independence.

Is it not strange that they forget Maryland has any duty to perform to herself and for herself?

Let us weigh these answers.

What are Southern rights? Everybody speaks of them, nobody defines them. So vague, so misty, so variable, they escape every attempt to grasp them.

Do they comprise, as a chief demand—as many say they do—the right to maintain the institution of slavery unmolested and unimpaired in the States that possess it?

If so, no one now disputes that right. It is affirmed and offered to be made perpetual, even by the late Republican Con-

gress, by the enactment of an irrevocable amendment to the Constitution, which guarantees it forever.

Do they assert the right to take slaves into all territory of the United States south of the Missouri line, as proposed by the Crittenden resolutions?

If that be the demand, that right now exists to its fullest extent, and slavery is at this day by law protected in every foot of territory south of 36.30; and even the three new territories north of that line are open to the admission of slaves without restriction.

Do they mean the right to recover fugitive slaves from the Free States?

If so, all impediment to that right is virtually withdrawn. The administration affirms a purpose to execute the law, and, in point of fact, the law is now executed with more efficiency and less obstruction than it has been for thirty years past.

Are these the Southern rights for which we are invited to get up revolution and war, and will war be likely to secure them in more full enjoyment than we have them now?

Are there any other Southern rights in dispute? We hear sometimes of a right to free trade and direct taxation; a right to traffic in African slaves; a right to Cuba, to Mexico, to Central America. Is Maryland willing to fight for these?

Then as to "Southern trade," which has captivated the imagination of some who have fallen into the Secession ranks.

There are many variant and contradictory notions on this point. Carolina hopes to make a New York of Charleston, Georgia claims this bounty for Savannah, Virginia demands it for Norfolk, Louisiana pleases her fancy with the miraculous growth of New Orleans. The visionaries of Maryland quietly smile at all these delusions, perfectly confident that the cornucopia is to be emptied upon Baltimore.

We say nothing of the heart-burnings and jealousies which these various hopes must engender if any one of these dreams are realized to the disappointment of the others. We are



only concerned to look at the probable result upon Maryland.

This supposed commercial advantage is founded upon the idea, much commended in the South, of free trade with all the foreign world, and heavy restrictions upon the trade with the United States; a system of commerce built upon complacency on one side and revenge on the other. The Southern Confederacy, it is presumed, will, in the future permanent arrangement of its policy, encumber one-half of its trade—and that its most indispensable and necessary supply—with heavy duties, and leave the other half, which chiefly concerns its luxuries, free. Does any experienced merchant believe this? What will the South gain by laying duties upon the thousand productions of the North that now enter so largely into their common household and agricultural wants? Will they get their farming implements, their machinery, their wooden ware, their fish, their beef, their hay, their ice, their carriages, shoes, hats, and clothing—any part of their whole inventory of family requisitions—more cheaply for that? No other country can supply them so well, and the experiment will soon prove that every cent of tax so levied is but a charge upon themselves. When that is proved, and the passion of the day subsides, it is reasoning against all the motives of human conduct to suppose that a merely vindictive restriction will be allowed to exist. The North would soon grow to be in the same category to the South with all the rest of the world—in war, enemies, in peace, friends; and the free-trade system, if practicable at all, will be extended equally to all within the range of Southern commerce.

There are some who think these discriminations will be made with a view to the establishment of large manufacturing interests in the South. But to this there is the obvious reply, that no manufacturing system ever was built up in companionship with free trade; and the Southern Constitution has already put a veto upon the attempt by a specific prohibition of all power to protect any domestic industry.

The Northern manufactures are sufficiently established and

prosperous to compete with the world in free trade, and they will always continue to find a Southern market from their exact adaptation to Southern wants. But the manufactures of Maryland, in great part, are precisely those which would wither and perish under the free-trade policy. We could supply no iron from our mines, no iron fabrics from our workshops. Our great steam enginery, our railroad apparatus, our heavy works of the foundry, our cast and rolled metal, could never hold their own in the presence of free importations from England. It will occur to any one conversant with our workshops, that much of our most important industry here in Baltimore, and throughout the State, would be compelled to yield under the pressure of European rivalry.

Again, free trade implies direct taxation to raise revenue for the support of government. A glance at this will supply another element for the consideration of those who fancy that Maryland is to prosper in a Southern Confederacy.

The expenses of the new government are inevitably to be cast upon a higher estimate than we have ever witnessed in our heretofore harmonious Union. Large armies and navies are to be provided as the necessary apparatus of government. Fifty millions a year will not be an unfamiliar experience to the Southern financier. If that amount is to be levied upon some nine million of free population, which about represent the present number of the whole of the Southern States, it affords a ratio of more than five dollars a head. If but thirty millions be the expenditure, it will be over three dollars a head. Maryland contains near six hundred and fifty thousand free persons, and thus we estimate her annual share of the tax at over three millions per annum, on a fifty million expenditure, and on the supposition of thirty millions, something near two millions per annum. Our present State tax is about two hundred and fifty thousand dollars. The addition to this, for the support of the Confederate Government, will, on the first supposed rate of expenditure, be twelve, on the other, eight times the present tax. I give these figures as a formula of calcula-

tion which any one may apply to his own estimate of the probable expenditure of the new government, if its revenues are to be supplied by direct taxation.

How the trade and industry of Maryland may reconcile themselves to such a system, I leave those to judge who are best acquainted with the tax bills our present necessities impose upon us.

If it should be discovered, as I have no doubt it will be after some sore and short experience, that this free-trade fancy is but an expensive delusion, and that the old, long tried, universal and inevitable system of duties, known to and practised by all nations, as the most commendable system of national support, must be substituted by the Confederate States, what then will be the condition of their commerce? It will then be found that the revolution has been a vain work. The bubble will have burst, and the experimenters, after having turned the whole nation back a quarter of a century in its career—having ruined a generation, subverted more capital than would suffice to purchase every slave in the nation, accumulated a debt impossible to be paid, and spread repudiation and bankruptcy over a whole circle of States—happy, if to these evils it has not added the clothing of every household in mourning—the experimenters will then find themselves vainly endeavoring to restore trade to the same relations and arrangement in which it was at the fatal moment when they initiated their new career. All that will then have been achieved will be the creation of a double set of political dignitaries, and the distribution of a double supply of loaves and fishes to the patriots of the ferment.

A tariff of duties for revenue once adopted, it then becomes the plain policy of the United States of the old Confederacy to enact the same rates, and commerce will immediately oscillate back to the track and custom of its old career.

Even if it should not be drawn again into that current, what has Baltimore to hope for? Will she import for the South, from the head of the Chesapeake, while Norfolk lies on

the margin of the sea at its mouth, with an admirable harbor, and with all the means of Western and Southern distribution by railroad; that penetrate to the Mississippi and Ohio? Do old and sagacious merchants of Baltimore allow this delusion to seize their minds? Boys may prate about such things, but surely men of sense will repeat no such absurdity. But, we have heard it said, if Maryland be not a member of the Southern Confederacy, Virginia, in time of war, may close all access to the Chesapeake against us. That is true. But if Maryland should be a member of that Confederacy, then the North, in time of war, may also shut up the Chesapeake against us; and not only that, but may also shut up our Western and Northern Railroads. It may deny us the Ohio river; it may deny us access to Philadelphia, to New York—utterly obliterate not only our trade, but cut off our provisions. In the other case, Virginia could not do that, nor even impede our transit on the Baltimore and Ohio Railroad, as long as Western Virginia shall stand our friend, as assuredly it will if we are true to ourselves.

The last argument popularly used in favor of the secession of Maryland, is that which asserts a necessity that compels us “to go as Virginia goes.”

It is supposed that the recent attempted secession of Virginia leaves us no choice. It is declared that our sympathies as well as our interests are with Virginia; in fact, that our fate is in her hands. If this were true, it would have been but a becoming decorum in Virginia to have invited us into her counsels, or at least, to have warned us of the complications she was preparing for us. As it is, she has led us blindfold to the verge of the precipice, and those of our own fellow-citizens who renounce for us all freedom of opinion on our own destiny, tell us we have no choice but to take the leap.

We deny that Maryland is so bound up in the fortunes of Virginia. We regard the interest of that State to be quite as dependent upon the favor of Maryland as Maryland is upon her. In all that denotes vigor, growth of power, and capacity



for great enterprise, Maryland is ahead of Virginia. While our population in the last decade has increased twenty-five per cent., that of Virginia has not advanced over twelve. What we have accomplished in public works and in the extension of commercial activity bears a still more favorable comparison in the estimate of the resources of the two States. Let us not so derogate from the influence and capability of our own State as to surrender our independence to the control of politicians who have as yet shown so little capacity in governing their own. In truth, we might, with good reason, reverse the affirmation of the argument we are considering, and say that Virginia should look to Maryland, and should adapt her policy, on this question of separation, to ours. She should at least consult the other Border States, Kentucky, Tennessee, Missouri, as well as Maryland, and shape her course in conformity with their common views.

When we speak of Virginia, there is another most significant question to be considered. To what portion of Virginia are we to attach our fortunes? Is it to that waning Eastern section which at present holds the political power over the State—that section whose population, scattered over the region visited by the tide, is gradually declining in numbers and losing its ascendancy in the public affairs, and whose power at this day is founded rather upon the traditions of the past than upon any inherent capacity to govern? or is it to that vigorous and healthful Western Virginia upon whom nature has lavished her bounty in the provision of all the elements of a prosperous and powerful community?

Virginia is divided into two distinct sections, altogether different in physical quality and in moral character. The one teems with a redundant slave population of which the excess is kept down by a continual drain of emigration to the South. Its habits are Southern, its affinities are for the South. These are not less nourished by the character of its labor than by the temper of its leading men—talented and impulsive and educated in strong sympathy with the Secession States.



The other division includes the land of the mountaineer—a land of mineral wealth, of rapid streams, of fertile pastures, of bracing atmosphere, where the people have little dependence on slave labor, and who see in the resources of the soil and climate an invitation to all the varied industry of populous and thriving States.

We of Maryland are solicited to associate ourselves with the first of these divisions. It is said our natural relationship is with them.

We certainly have had abundant reason in the past to know that the governing power of Virginia does not reciprocate the favor of this relationship. Maryland has no more persistent and steady antagonism to her policy to contend against than she has ever found in the domination of this low country influence. Let those who have had the management of our public works, our railroad and canal, say what difficulties they have had to encounter in the hostility of Virginia to the grant of the smallest privilege or aid from that State; and let them describe how all solicitations have been refused until the friendly intercession of the Western counties, often baffled, has at last by peremptory demand secured us the grace of being permitted to expend millions of Maryland capital upon Virginia soil.

The true friends and allies of our policy are in the West. At this moment that region is making its protest against secession. It is a matter of the deepest moment that we should wisely appreciate this fact. It is not for us now to discuss the probable contingencies of the future which may spring out of the state of opinion in the Western counties, but we should not blindly adopt a policy in the present juncture which may forever alienate them from the interest which makes them the guardians and protectors of our road and the ministers to our trade.

The singular change of opinion which has recently brought Virginia into secession is one of the inexplicable things of the day. Time may perhaps prove it to be a forced assent obtained by the arts which have, everywhere in the seceding States,

more or less subdued and coerced public opinion. At present the world can only perceive that "the Mother of States," in spite of her protestations of independence, in spite of the contumely and insult heaped upon her, has succumbed to the dictation of Carolina—has been "dragged" into revolution and compelled to an act of submission, by which she has surrendered her lofty position as a mediator in the national quarrel and sunk into a secondary power in the new Confederacy. She is the first of the Border States that has given way. Let Maryland be the last to follow her example.

We cannot forget that the Southern Confederacy has hitherto repudiated all connection with the Border States; that they were contemptuously repelled as unworthy of consultation. It is only now, when a severe experience has demonstrated the necessity of friends able both to pay and fight, that these States are approached with flattering appeals to take a stand in the very front of war and bear the brunt of its worst assaults. We who never felt or professed any respect for their cause, who, indeed, accuse them of having produced all the difficulties and disgraces which have resulted from the recent Presidential election, are now counselled to patient submission to this coercion, and even to embrace it with thankful avidity as an honorable duty. Virginia has placed herself at the head of the Submissionists, and men whom we have esteemed, here in Maryland, for their manhood, tell us we have no choice but to follow her example!

I draw this view of our condition to a close by repeating my clear conviction that the interests and safety of Maryland coincide with her loyalty to the Union, that disunion is ruin to her.

Let us not be moved by the taunt that we are aiding the Republican cause and vindicating the administration of Mr. Lincoln. That is but the party vituperation of those who seek to frighten us by false clamor into an abandonment of our opposition to their own party schemes. We deplore the unfortunate ascendancy of the Republican party; we censure the pol-

icy of the Administration. We may claim much more respect for our sincerity in this than our opponents are entitled to ask, since it is only by their machinations that the Republican party has won its ascendancy, and by their desertion of their posts and their duty in Congress, that Mr. Lincoln's administration has obtained any power to involve the country in the present commotion. In the stage at which the public embarrassments have now arrived, all the questions of the late canvass have disappeared. The country is aroused to the protection of the Union, to the defence of our system of government. The men who were most earnest in opposing the election of Mr. Lincoln throughout the whole North and West are united into a compact body, in a unanimous determination to vindicate the right of the people to the Union bequeathed to them by their fathers. Large numbers in the South, whose voices are suppressed by the despotism of party rule, have the same sentiment deeply impressed upon their hearts. The conservative Northern men who have come so sternly and with such alacrity to this duty of defence—a majority of the Northern people—will visit with indignant disgust the fanatical agitators of the slavery question, whose wicked pertinacity has raised this storm in the nation, and we shall hear no more of the wretched cant of the sin of slavery in the South. That abuse of the peace of the nation will be purged away by this commotion, if no other good result from it.

On one side of us is a united nation of nineteen millions of people. On the other, a divided population of nine millions. We stand between them. If we remain true to the Union, we shall have protection and peace, and hereafter an easy settlement of all our complaints. If we desert the Union, we shall be driven into a confederacy which has but little sympathy with our interests, and less power to protect us against the ravage of the frequent wars which must inevitably arise between the two sections.

The Southern Confederacy is essentially weak in the basis of its construction. It is founded on a principle which must

lead to the ever-recurring dangers of new secessions and the exhibition of a worse than Mexican anarchy. It may witness *pronunciamentos* upon every discontent, and the strife of parties ending in further disintegration. If the Border States go into that Confederacy, the opposition of material interests will soon develop the utter want of capacity in the new government to secure its cohesion.

Maryland, under any circumstances of peace or war, must soon become a Free State, and she will then be found to be wholly ungenial to the principle upon which the Southern Confederacy is established. It would, therefore, not be long before she would be compelled to retire from the alliance and become a suppliant for shelter under the wing of that old Union which in a rash moment she had abandoned.

If she remain where she is, her example may influence the course of the other Border States which now are drawn to the verge of secession, and with them may happily bring about a restoration of the whole Union. Four years hence, this Administration will give place to another. A popular, conservative President then elected will restore confidence to the whole country. The Union sentiment of the South will make itself heard in the remotest sections of the secession, and disenthralled from the domination that now forbids it to speak, it will once more assert its attachment to the Stars and Stripes.

Let the true voice of our State now be heard on these questions. The Legislature now in session has one solemn duty to perform. It is to give the State an opportunity to declare its wish. Much has been said about the desire of Maryland to fall into the ranks of the Seceding States. There has been a great clamor for a Convention by those who have been anxious for Secession. Let the Legislature now put the question to the people—Do you want a Convention, with power to declare Maryland out of the Union?

Put that question, and we shall then know what part Maryland will take in the Great Drama.

BALTIMORE, May 9, 1861.

## LETTER ON THE ANNEXATION OF TEXAS.

TO A CITIZEN OF BALTIMORE.

HOUSE OF REPRESENTATIVES, May 15, 1844.

DEAR SIR : You are right in supposing that I am not inclined to favor the proposition for the annexation of Texas. I have just seen the resolutions which were adopted by the meeting on Monday evening of those who call themselves the Democracy of Baltimore. One of the resolutions relates to this subject :

“ That this meeting considers the re-annexation of Texas to the United States, of which it was rightfully a portion previous to the improvident cession of 1819, a measure indispensable to our security against foreign aggression in that quarter, the extension of the domestic commercial exchanges of our country, and the securing the blessings of Republican Government to a people allied to us in blood and political sympathy ; and that we shall hail the day when her now solitary star shall blend in harmonious order with the constellation that blazes on the American flag.”

This resolution, in common with the others, the Republican informs us, was adopted by “ acclamation.”

Notwithstanding this acclamation, I venture to say the sentiment is not the sentiment of our State.

Maryland has very strong reason to oppose the annexation. We have been sufficiently drained of valuable portions of our population already, by the opening of new States, to teach us the duty of resisting this effort to incorporate Texas with the Union.



Up to the present day, however, we have felt, in the wonderful growth and prosperity of the West, and in the strength and grandeur which that region has given to our Republic, too many incentives to patriotic pride not to acknowledge that it would be selfish in "the old thirteen" to complain of that glorious march of civilization which began and moved forth from our borders. But, surely, we may be content now with the limits of our present Confederacy, and be excused for desiring to pause in the career of territorial acquisition. The next half century may find useful occupation in filling up the space which we have acquired, and in turning to its appropriate uses that vast domain which we have laid off for future settlement and habitation.

Maryland has paid her full tribute to this great enterprise. To say nothing of her gallant effusion of blood and treasure in the war of the Revolution, by which this imperial domain was won from the British Crown—nothing of her cheerful acquiescence in the allotment of large sections of that domain to the local benefit and special use of the Western States, and her own utter exclusion from all share or lot in that rich possession, she has lost incalculably more than any division of that domain might reimburse, in the diminution of her resources by the constant flow of her people and wealth beyond the Alleghany. Much of our best soil untilled, many mines unexplored, many excellent farms abandoned, the whole of our landed property depreciated in value, some of our counties not only become stationary, but actually retrograde in population, taxation increased, and the capacity to bear it diminished; these are some of the evidences of our sacrifices in favor of the new territories of the Union—sacrifices which we have borne without repining, from the affectionate interest we have taken in the success of the younger States. The vigor of these States, we have painfully felt, is drawn in part from the life-blood of the parent stock. I think we may be approved and seconded now for desiring to see some concentration, some consolidation, at least, of the present elements of this

Union, before we set out anew in quest of more extensive acquisitions.

These considerations, apart from many graver objections, would disincline me to look with favor upon the incorporation of Texas with the Union. But there are many graver objections.

The present attempt is distinguished by incidents which ought to raise against it the revolt of every honorable mind. It has begun in a humiliating intrigue, on the part of our Government, to persuade Texas to *permit*, if not to solicit this alliance ; and the people of that country have, there is good reason to believe, only been reconciled to this act of condescension by systematic misrepresentation of the state of opinion here, by alternate threat and entreaty, and by the lure of exorbitant profit to be conferred by our act. Among these misrepresentations was that which has proved so notoriously false, importing that two-thirds of the Senate were ascertained to be favorable to the measure, and would vote to sustain it. I might refer to many others, but the whole history will be very soon made public.

Towards Mexico this proceeding is still more dishonorable. If not a downright act of perfidy, it is, at the best, a flagrant violation of former pledges of friendship ; an offence against the law of nations ; a positive act of war altogether unworthy of a just and magnanimous people. It has the air of vulgar domineering over one supposed to be inferior in prowess—a trespass upon the feebleness of an adversary which would not be attempted against one who had the power to resist us. In this point of view, nothing could be more repugnant to the proud sensibility and genuine American spirit of our people. It will be spurned by them as a stain upon their courage, no less than an imputation upon their honor.

There is fraud confessed in the very artifice which is used to recommend the measure to the country. Why is it called the RE-annexation of Texas ? This term is employed to induce an opinion that the territory equitably belongs to us now.

In the ethics of those who make this claim we are to understand that whenever the United States has a contest for boundary with a neighbor, and that boundary, after debate, is solemnly settled by treaty, the treaty may be set aside at pleasure, if it has settled the question in dispute by the relinquishment of any original pretension. In short, that this nation can never abate, forego, or abandon a particle of any claim it may set up, no matter how extravagant, how much or how reasonably contested: that we may take all equivalents given in a treaty, and resume, when convenient, all that we have parted with. The advocates of the RE-annexation say that a Republic like ours has no power to part with territory, and that as we once *claimed* Texas, the treaty which relinquished the claim is void. In the next breath they tell us that the Republic of Texas, which is modelled after ours, may not only part with a portion of *its* territory, but may cede *the whole*, and even extinguish its own existence. With such wretched sophistry as this, is the honor of the American people brought into question—the good repute of our country tarnished in the eye of mankind?

Our constitutional power to admit foreign nations into this Union seems to be taken for granted. This is, to say the least of it, an obvious departure from the doctrine of the Jeffersonian school. The sage of Monticello did not think so. He thought it clear that the Constitution forbade the purchase of Louisiana, and he therefore recommended an amendment to ratify that act. The opinions of Jefferson, however, are of small authority in his own school when they stand in the way of a party purpose. I am no strict constructionist, as that phrase is understood, yet I cannot but marvel at the easy consciences of gentlemen of that sect who are so much given to talk of “the compromises of the Constitution,” when I find them so clear upon the question of this power, and so willing to disturb that “balance” which they have represented to be—in their own language—“sacred” in the adjustment of the weight of the free and slave States. Is it uncharitable to believe that they are reconciled to this invasion of the compro-

mises of the Constitution, in the present instance, because they fancy it will bring the beam down on their own side of the balance? Where does this power to annex foreign States end? With Texas? What of Cuba, St. Domingo, Canada? Can it reach Ireland? Or is it confined, as we might infer from some of the declamation on the subject, to the enemies only of the Anglo-Saxon? It has a broad field on that basis. These are significant questions.

I do not doubt that two nations may become one, whenever it may suit their tastes and tempers to enter into such wedlock. But they will not do this by virtue of the powers conferred upon their respective Governments for separate administration. It will not be done under existing Constitutions. Mr. Walker holds that this right of self-extinction is a right reserved to every Government, unless expressly forbidden by its Constitution. Certainly, this is a very odd specimen of strict construction. The existing administration may destroy the Government by giving the whole territory away in a treaty—unless the law forbid it. That, he affirms, will be the basis of our title to Texas, if we confirm the Treaty. These are new views of government. I can see but one way to accomplish this object. When the general wish of the PEOPLE—not the Government—of the United States and of Texas is to form a *new* Confederacy, they will be obliged to alter their organic law to suit the case; they will then have occasion to make a new Constitution, or amend the old one. The new Union must provide Constitution and law for itself.

I think I discern, from some manifestations I have seen, at the bottom of this scheme, in the minds and wishes of some of its contrivers, an ultimate purpose to form a new Confederacy, of which it shall be a prominent feature that no free State shall come into the League. It has grown into fashion of late to talk about slavery as “a blessing,” which is affirmed to be essential to a prosperous Democracy. The corollary from this is, in a few men’s minds—happily but few—that visible advantage would flow from a Confederacy founded on this *essential*

*blessing* as a fundamental element. I trust there are not many States in this Union which will acquiesce in this logic, or place their title to democratic government upon such a concession. I can speak very confidently for Maryland, that she will not be one. The State that cherishes such a thought will assuredly come to an "ill-starred and unblest catastrophe." I forbear to expatiate on so revolting a theme, and fervently pray that no such treason may be meditated.

What is it that the proposition proposes to *re-annex*? What is Texas? Is it the territory bounded by the Colorado—by the Nueces—by the Rio Bravo—or by any still more southern limit? Is it the whole intendency of San Luis Potosi? Does it reach to the Pacific? Does it comprehend California, or Sonora? Who can answer? It is all indefinite: there is a great question of boundary left. If the annexation be made, then there will arise more discourse about other *re-annexations*—Mexico, Yucatan, Panama. Where will it end? This *little* nation of Texas—only about the size of France—is but the beginning—a stepping-stone. It would be but justice to settle the extent of all future claims before we conclude negotiations. Are they not purposely left indefinite?—nest eggs for a future brood of claims.

It is a comfort to think that this nefarious scheme is destined very soon to explode, and to take its place among the thousand repudiated follies of this foolish Administration. It has but few friends in the Senate, and when that body have rejected it, and the nation comes to a calm estimate of the event, there will be a universal expression of wonder at the temerity of the men who could so seriously trifle with the honor of the country.

The project has been sprung so suddenly upon the people, and has been so little considered in the past time, that there may be said to be no real public opinion upon it. All are taken by surprise, and many who would abhor the scheme upon mature deliberation are now in a state of passive reliance upon the authorities here—too willing, perhaps, to abide by



the judgment of Congress on the question. It was to obtain this advantage that the politic Mr. Tyler has been so cunning to keep the treaty secret. This is one of those strokes of statesmanship that have made our Polonius President so often the wonder of his times—a *coup d'état* by which the second-hand hero of the Vetoes has hoped to win that most impossible of honors, a vote from some State in favor of another term. The scheme thus sets out under the very worst of conceivable auspices. It would miscarry on that ground alone.

It is said that a messenger has been sent to Mexico to propose some terms of accommodation with that Power, to *buy out* her claim on Texas. If this be true, what a confession is it of the injustice of the treaty? I think they greatly miscalculate the temper of the Mexican Government and the disposition of that people who suppose that this overture will produce any effect but exasperated defiance. Perhaps some ebullition of such a feeling is desired by the patrons of the plot here, in the hope of finding, in an exhibition of resentment from Mexico, a topic to kindle a war fever on this side.

Has any one counted the probable cost of a war with Mexico? Annexation, without the consent of that Government, would inevitably involve us in immediate strife. She would invade Texas without delay, and we should be bound by every consideration of pride to protect our new acquisition. It cost us thirty millions to expel a few Indians from Florida. Twice that amount *per annum* would not more than suffice to carry on hostilities upon the remote plains of the Texian border and to defend ourselves against the privateers which would swarm like mosquitoes on the path of our commerce. We should be obliged to maintain armies by land to pursue the alert and sleepless guerillas of the Mexican frontier, and squadrons to blockade the coast. Fever, famine, and tempest would be all on the side of the adversary. Thousands of our troops would perish; many staunch ships would be shattered by storms, wrecked or driven away; many of our seamen overthrown by the pestilence of the Gulf. The treasury would be drained by

hordes of contractors, speculators, and job-agents, the natural canker of a war ; and at the end we should come out of the contest loaded with debt, weary with disaster, and loathing every recollection of the folly which had brought us into such a barren enterprise. What is not among the least of its mortifications, we should come out of it without the sympathy of a single nation upon the globe, or even of a single individual beyond our own confines. All the world would watch the contest with a prepared smile at every discomfiture which might befall us, with a sincere regret at every success.

Whence has this scheme obtained any favor? In part, doubtless, from the affinities which subsist between our people and the settlers of Texas. This is natural and honorable. No small share of the favor it has won, however, is to be traced to motives of sordid personal interest. Upwards of sixty millions of acres of private land claims, I understand, are to be recognized : ten millions of public Texian debt. The bondholders and the land-scrip holders have interest enough to make great efforts in the cause, and to win much influence over the popular mind of the country. It would be much cheaper, perhaps, and more honorable, for us to pay all these at once out of our own Treasury, and leave Texas as she is ; since, by such a course, we should know the extent of our losses in the beginning and do no violence to the laws of nations or the duty we owe a friendly Power. Why should we embroil ourselves for the speculators in Texian lands or the holders of Texian bonds?

The influence of the annexation upon the slave question, it strikes me, has been very much overrated both in the South and the North. I cannot see that it would either augment the influence of the slave States on the one hand, or that the refusal to annex would mitigate the evil of slavery on the other. Texas, in a state of prosperous peace, whether a part of the United States or an independent Power, would, in the long run, equally attract emigration and settlement from the present population of the Union. It will draw many slaves along with

their proprietors from the Southern States, and with them subtract a proportionate amount of political power.

Every slave withdrawn from the present slave States will have his influence in lessening the representation of the district from which he goes. This career of settlement upon the Gulf of Mexico will sooner or later convert Maryland, Virginia, North Carolina, Kentucky, and perhaps other States into free States. It will break down South Carolina, weaken Georgia and Tennessee, and probably reduce the value of land in Alabama, Mississippi, and Louisiana. Its annexation to the Union can do no conceivable good to any of these States. I cannot, therefore, but feel great surprise at the zeal for this measure which is said to pervade certain portions of the South. Can it be other than the artificial excitement produced by a skilful appeal to popular considerations which do not really belong to the subject ; and must not this fervor subside before the more deliberate reflection of the people ? A new competitor in the production of sugar and cotton, growing strong under the stimulus of that eagerness for emigration which is a characteristic of our people, and which, in the first few years after the incorporation of Texas, would carry great numbers into the new territory, we may well imagine would raise up no harmless antagonist to the present South ; while it is quite apparent, in looking to the effects of this emigration upon our domestic commerce, that it would, in reality, add but little to its extension, since the same consumers and producers would only be removed from one field of employment to another. Exactly in proportion as Texas would be strengthened either in political power or commercial importance, other sections of the Union would be weakened.

Another result would follow the annexation, which would disappoint the expectations of many. Texas would come into the Confederacy as a territory, and the same considerations which led to the settlement of the Missouri question upon a compromise between the slave and free States, would, we may be persuaded, be again sufficiently powerful to induce a similar

arrangement of the new acquisition, by providing for an equal number of free and slave States to be carved out of the territory. It is even doubtful whether, with the present vote of Congress (still more questionable with the vote after another census), there would not be power to settle this point upon a basis much more favorable to the views of the free States. In the contemplation of such a contingency, I ask if the inducements to the annexation, on the part of the South, are not likely to be greatly weakened?

It is suggested in the English papers that the cause of free trade would find a valuable ally in the annexation. There is some plausibility in the opinion, that by increasing settlement towards the tropics and extending the field of our planting interests, many auxiliaries would be gained to Great Britain against the protection of our mechanical industry. Such a belief may recommend this measure to England, to some of the Southern States, and to all that part of the Democracy who have raised their hands against the success of the labor of our country; but it will scarcely succeed in convincing the manufacturers, the mechanics, and the farmers of Maryland, or of any other State friendly to domestic industry, that the measure is in anywise to be desired by them. And as to the notion that the annexation is "indispensable to our security against foreign aggression," or to "the extension of the domestic commercial exchanges of our country" (as the declaration of the Baltimore meeting asserts), every one must see that these are but phrases of commonplace political rhetoric, thrown in as unmeaning expletives to round off a claptrap resolution, and intended merely as a sonorous prelude to that "acclamation" which was a prepared and expected part of the programme of the evening.

Mr. Tyler, it will be seen, when the documents accompanying the treaty are published—for the injunction of secrecy has just been removed—has already been making warlike preparations to pick a quarrel with Mexico. He is gathering troops upon the bank of the Sabine and sending a squadron to the

coast. His purpose is to intimidate Mexico. His military preparations were directed even before the treaty was signed. It is *negotiation at the point of the bayonet*—Congress, the only authority to declare war, being utterly ignorant of the whole proceeding until now. These are the first necessary steps belonging to this peaceable and righteous proceeding—a threat of war if Mexico should be restive. They show us what must be the certain result if the audacity which prompted this outrage be not checked by the prudence of the Senate. A few days more, and I trust the whole plot will be broken up and rebuked by an overwhelming vote for the rejection of the treaty.

There is so much mischievous misrepresentation on this Texas question, at present, and so much motive to give it a party character, that the public mind has but little chance to be set entirely right in its estimate of the subject until the Presidential election is out of the way. I scarcely doubt, when that shall be the case, that three-fourths of the people will take a decided ground against the scheme in any shape. They will agree, I think, that we have territory enough to satisfy our reasonable wants for the next half century, and that, if after that period we should feel pressed for elbow-room, the generations who may suffer this inconvenience will be quite able to take care of themselves, somewhere between the North Pole and Terra del Fuego. They will hardly thank us for such a trifling cantlet as Texas.

Very truly, yours,

J. P. KENNEDY.

THE END.















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